

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

-----x
:
UNITED STATES OF AMERICA, : Criminal Action No.
:
versus : 1:19-cr-356
:
KHASHIE SENAM ZILEVU, : July 14, 2021
:
Defendant. : **FLANNAN SODEN TESTIMONY**
-----x

The above-entitled Jury Trial - **Excerpt** was heard
before the Honorable Rossie D. Alston, Jr., United States
District Judge.

A P P E A R A N C E S

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1 (Excerpt trial proceedings -- Flannan Soden's testimony.)

2 MR. WALKER: Your Honor, the government calls
3 Flannan Soden.

4 (Government's witness, Flannan Soden, sworn.)

5 (Witness seated.)

6 THE COURT: Sir, have you been fully vaccinated?

7 THE WITNESS: Yes, sir. Yes, Your Honor.

8 MR. WALKER: Your Honor, before we begin, the
9 government will move into evidence a number of exhibits
10 pursuant to stipulation. It's a lengthy list, so I'll go
11 slowly, so the courtroom deputy can follow along.

12 THE COURT: Yes, sir.

13 MR. WALKER: Government's Exhibit 1, 2A, 2B, as in
14 "boy," 2C, 2D, as in "dog," 2E, 21B, 11C, 11D, 11I, 40, 41,
15 42, 43, 44, 45, 50, 50A, 51, 70, 71, 72, 73, 74, 75, 77, 91,
16 100, 110, 120, 141, 142B, 171, 191, and 303, as we discussed,
17 Your Honor, previously with the signatures by the parties.

18 THE COURT: Yes, sir.

19 Without objection, Mr. Brown?

20 MR. BROWN: Without objection, Your Honor.

21 THE COURT: Without objection.

22 DIRECT EXAMINATION

23 BY MR. WALKER:

24 Q. Good morning, sir.

25 A. Good morning.

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1 Q. Could you please state and spell your name for the
2 record.

3 A. Yes. My name is Flannan Soden. That's F-l-a-n-n-a-n.
4 Last name is S-o-d-e-n.

5 Q. Where do you work?

6 A. For the Treasury Inspector General for Tax
7 Administration.

8 Q. Does the Treasury Inspector General for Tax
9 Administration have an acronym that it commonly goes by?

10 A. It does.

11 Q. What is it?

12 A. TIGTA, T-I-G-T-A.

13 Q. How long have you worked for TIGTA?

14 A. Approximately six years.

15 Q. What's your current title there?

16 A. Special agent.

17 Q. Could you describe your duties and responsibilities as a
18 special agent at TIGTA.

19 A. My duties are to investigate any kind of fraud, waste, or
20 abuse that involves the Internal Revenue Service.

21 Q. Is it also part of your duties as a special agent at
22 TIGTA to investigate potential criminal activity?

23 A. Yes.

24 Q. Could you describe your educational background?

25 A. My educational background includes a four-year bachelor's

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1 degree in criminal justice from Radford University.

2 Q. What sort of formal training do you have from TIGTA?

3 A. Formal training, I have, as part of a requirement to
4 become a special agent, I was sent down to the Federal Law
5 Enforcement Training Academy, where I completed the criminal
6 investigator basic training program.

7 In addition to that, I attended a one-month long
8 course for special agent basic training, which is tailored to
9 my position at TIGTA.

10 Q. Special Agent Soden, are you familiar with the
11 investigation of the defendant, Kwashie Senam Zilevu?

12 A. Yes.

13 Q. How are you familiar with that investigation?

14 A. I conducted the investigation.

15 Q. How did the investigation first come to the attention of
16 TIGTA?

17 A. It first came to TIGTA's attention when we had an IRS
18 criminal investigator reach out to my office and he reported
19 that he had made contact with the United States Postal
20 inspector, Jackie Palmer, who reported to him that he believed
21 that there was an IRS employee that was involved in some form
22 of fraud.

23 Q. Prior to testifying today, were you asked to review and
24 summarize certain financial and transactional records in this
25 case?

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1 A. I was.

2 Q. If I could ask you to take a look at what has been marked
3 for identification, but is not yet in evidence, as
4 Government's Exhibits 401, 402, and 403.

5 And, Ms. Tinsley, that's binder 2.

6 Do you have Government's Exhibit 401 in front of
7 you, Special Agent Soden?

8 A. Yes, I do.

9 Q. What are we looking at Government Exhibit 401?

10 A. We are looking at a summary chart for the American
11 Express credit card that was opened using Matthew Brown's
12 identity.

13 Q. Who prepared this chart?

14 A. I did.

15 Q. Could you generally describe what's being summarized in
16 the chart.

17 A. Yes. Basically, this describes all of the transactions
18 that occurred using the American Express credit card that was
19 opened using Matthew Brown's identity, to include where these
20 purchases were made as far as businesses or vendors.

21 That also includes the cardholder name, which would
22 be Matthew Brown. It also illustrates that the card ended in
23 the number 2003.

24 There were also -- it also adds up the total number
25 of transactions of each vendor, and also the date range from

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1 the first purchase that was made at each vendor until the last
2 purchase. And then, of course, the cumulative total, which
3 would be the total amount that was spent at each one of these
4 businesses or vendors.

5 Q. And when the same merchant was the source of a
6 transaction, have you grouped those transactions together for
7 the members of the jury?

8 A. Yes.

9 Q. Let's move now to Government's Exhibit 402.

10 What are we looking at in Government's Exhibit 402?

11 A. Exhibit 402 is another summary chart. This one is for a
12 U.S. Bank & Trust credit card that was opened using the
13 identity of Larry Fudger.

14 Q. Who prepared this chart?

15 A. I did.

16 Q. Could you generally describe what's being summarized?

17 A. Same as the last chart. It's going to show all the
18 transactions that occurred at different businesses and
19 vendors, the cardholder name, the last four digits of the card
20 that was used, total transactions that occurred at each
21 business or vendor, the date range for the transactions, and
22 then also the total amount that was spent at each vendor or
23 business.

24 Q. Let's move now to Government's Exhibit 403.

25 What is Government's Exhibit 403?

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1 A. This is another summary chart. This one is for the U.S.
2 Bank credit card that was opened using the identity of
3 Clifford Shingleton.

4 Q. Who prepared this chart?

5 A. I did.

6 Q. And in this chart, as similar to the others, have you
7 grouped transactions together when they're made at the same
8 merchant?

9 A. Yes.

10 Q. And does this chart also summarize the bank statements
11 associated with the account from U.S. Bank?

12 A. It does.

13 Q. Now, are the records that were the sources of
14 Government's Exhibit 401, 402, and 403 voluminous in nature?

15 A. They were.

16 Q. Would it be inconvenient to examine all those records
17 here in court today?

18 A. It would.

19 Q. Now, at the bottom of these exhibits, have you provided
20 the source of the information contained within these exhibits?

21 A. Yes.

22 Q. And do the sources match up with Government Exhibits that
23 had been previously admitted into evidence?

24 A. Yes.

25 Q. So if the members of the jury wanted to check your work,

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1 could they review the exhibits that are listed as the sources
2 of these charts?

3 A. They could.

4 MR. WALKER: Your Honor, the government moves
5 Government's Exhibits 401, 402, and 403 into evidence.

6 MR. BROWN: Without creating the appearance that we
7 agree to the accuracy of the records, there's no objection to
8 their admission.

9 THE COURT: Yes, sir. Subject to cross-examination.

10 MR. BROWN: Thank you.

11 BY MR. WALKER:

12 Q. Special Agent Soden, let's start by talking about the
13 financial chart that you've compiled for the American Express
14 card in the name of Matthew Brown, Government's Exhibit 401.

15 MR. WALKER: Can we publish that to the jury,
16 please. I know it's going to be a little bit hard to see.
17 We're going to work through individual sections and enlarge
18 them as we go. I want to make sure we understand what each of
19 the headings on the chart represents.

20 Ms. Dashoff, if we can highlight all the headings of
21 the columns, please.

22 BY MR. WALKER:

23 Q. Starting from left to right, the column that says "vendor
24 payee," what's captured in that column?

25 A. Basically, that describes where the transaction occurred

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1 and where the purchase was made, whether that be a business or
2 some other vendor.

3 Q. What about the second column, "cardholder name"?

4 A. That's the name of the -- the name that was on the credit
5 card that was used.

6 Q. And the next column, "payor account"?

7 A. That just indicates the last four digits on the credit
8 card that was used.

9 Q. What about the next column that says "transactions"?

10 A. That is the total of transactions that occurred at that
11 business or vendor.

12 Q. And in the next-to-last column there, it says "date range
13 of transactions."

14 What's the significance of that column?

15 A. That illustrates the date that the first purchase was
16 made there and then the -- to the last date of the purchase
17 that would have been made at each business or vendor.

18 Q. And to be clear, does this mean that a transaction
19 occurred at every day between those date ranges?

20 A. No.

21 Q. Now, finally, what's the cumulative total on the far
22 right?

23 A. That's the total amount that was spent at each one of
24 those businesses or vendors using that credit card.

25 Q. All right. Before we go to some specific transactions

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1 and talk about how they might have impacted the investigation,
2 I want to first talk about the application associated with
3 this account.

4 Have you reviewed the application associated with
5 Matthew Brown?

6 A. Yes.

7 Q. During the course of your investigation, did you have an
8 opportunity to interview the defendant?

9 A. I did.

10 Q. When did this interview take place?

11 A. This occurred on September 19th of 2019.

12 Q. Who was present for the interview?

13 A. Kwashie Zilevu, myself, and United States Postal
14 Inspector, Jackie Palmer.

15 Q. Where did this interview take place?

16 A. This took place in the New Carrollton federal building
17 located in Lanham, Maryland, which is where my office and both
18 Kwashie Zilevu's office used to be located.

19 Q. Is that why the interview took place there?

20 A. That is.

21 Q. Do you see Mr. Zilevu in the courtroom today?

22 A. I do.

23 Q. If you could identify him by where he is sitting and what
24 he is wearing.

25 A. Mr. Zilevu is sitting to the left of me here. He's

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1 wearing a blue blazer and a black mask.

2 MR. WALKER: Your Honor, may the record reflect that
3 the witness has accurately identified the defendant
4 Mr. Zilevu.

5 THE COURT: It shall.

6 BY MR. WALKER:

7 Q. What was the defendant's job at the IRS?

8 A. He was an information technology specialist.

9 Q. What, if anything, did he tell you during the interview
10 about what that entailed?

11 A. He indicated that his primary responsibilities included
12 programming and coding for the Electronic Federal Payment
13 Posting System.

14 Q. On behalf of the IRS?

15 A. Yes.

16 Q. Now, prior to asking the defendant any questions, did you
17 advise him of his rights?

18 A. I did.

19 Q. Did you inform him that he was under no obligation to
20 talk to you?

21 A. Yes.

22 Q. Did you also inform him that if he chose not to talk to
23 you, that no disciplinary action would be taken against him?

24 A. Yes.

25 Q. Was he also informed that any statement he may give could

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1 be used as evidence in a future criminal, civil, or agency
2 proceeding?

3 A. Yes.

4 Q. Was he informed he could consult with a lawyer?

5 A. Yes.

6 Q. Was he informed he could have a lawyer present?

7 A. Yes.

8 Q. Was he also informed that he could stop the interview at
9 any time?

10 A. He was.

11 Q. Was he informed that he was free to leave at any time?

12 A. Yes.

13 Q. Did he indicate that he understood these warnings and his
14 rights?

15 A. He did.

16 Q. Did he nevertheless agree to be interviewed by law
17 enforcement?

18 A. Yes.

19 Q. What, if anything, did you ask the defendant about the
20 application for the Matthew Brown card?

21 A. I asked Mr. Zilevu if he was responsible for submitting
22 that application.

23 Q. Did you also ask the defendant if he received the card in
24 the name of Matthew Brown?

25 A. I did.

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1 Q. What, if anything, did he tell you when you asked if he
2 had applied for and received an American Express card in the
3 name of Matthew Brown?

4 A. Mr. Zilevu indicated that he did not apply for the credit
5 card in Matthew Brown's name. However, he did acknowledge
6 that he received the credit card in Matthew Brown's name in
7 the mail and took it out of an envelope.

8 Q. What did he tell you he did, if anything, after he
9 received the card in the mail?

10 A. He stated that he used the card to make purchases.

11 Q. What, if any, explanation did he give you as to why he
12 thought he was permitted to use the card?

13 A. Mr. Zilevu explained that he had a friend named Kwaku
14 Blay. He had assisted Mr. Blay in obtaining a \$10,000 auto
15 loan, and apparently Mr. Blay had fallen behind on payments.
16 So Zilevu was responsible for making some of those payments
17 since he co-signed on the loan.

18 And as a solution Mr. Blay offered up, his business
19 partner had a credit card and said that, "Here, you can spend
20 \$10,000 on this card to make up for the amount that I -- or
21 that you would have owed on that auto loan that you co-signed
22 for."

23 Q. Who was this purported business partner, according to the
24 defendant?

25 A. Matthew Brown.

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1 Q. And with that \$10,000 number that you mentioned in mind
2 for the loan, I'd like to pull back up Government's Exhibit
3 401 and go to the last page.

4 MR. WALKER: And, Ms. Dashoff, if we could blow up
5 the totals in the bottom right corner.

6 BY MR. WALKER:

7 Q. Special Agent Soden, what is the total amount of the
8 transactions that occurred on the Matthew Brown card?

9 A. \$58,209.40.

10 Q. Is it fair to say that number exceeds 10,000?

11 A. It is.

12 Q. During your interview with the defendant, what, if
13 anything, did he say about why he spent so much more than
14 \$10,000 on the card?

15 A. He could not recall why he spent more than \$10,000 on the
16 card.

17 Q. During the course of your review of statements from the
18 Matthew Brown American Express card, did you notice whether
19 payments were made on the card?

20 A. I did.

21 Q. What, if anything, did you ask the defendant about the
22 payments that were made on the card?

23 A. I asked him why he made payments to the card, and he
24 indicated that he made payments in order to make sure that the
25 credit card remained active.

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1 Q. During the course of the investigation, did law
2 enforcement obtain records from some of the various places the
3 Matthew Brown card was used?

4 A. Yes.

5 Q. Let's talk about a few of those.

6 MR. WALKER: Ms. Dashoff, if we could go back to
7 page 1 and highlight the first couple of transactions all the
8 way across, please.

9 BY MR. WALKER:

10 Q. Special Agent Soden, what's the name of the first vendor
11 or payee that is listed there?

12 A. PayPal.

13 Q. What is PayPal?

14 A. PayPal is an online mobile payment service where you can
15 send payments to businesses and peer-to-peer.

16 Q. If we could go to the far right there, what was the
17 cumulative total of the PayPal transactions?

18 A. It would have been \$7,950.

19 Q. Let's take a look at Government's Exhibit 74.

20 Special Agent Soden, what is Government's Exhibit
21 74?

22 A. This is PayPal records that were obtained for
23 transactions -- for any payments used or for any transactions
24 that occurred using the Matthew Brown credit card ending in
25 2003.

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1 Q. Let's go to the second page of these records and first
2 focus on the transaction log section at the top.

3 Do you see the column there that says "name"?

4 A. I do.

5 Q. There's a name that's starts with an "M" that is listed
6 three times.

7 What is that name?

8 A. MacroTele.

9 Q. Are you familiar with that entity?

10 A. I am.

11 Q. How are you familiar with it?

12 A. During my interview with Kwashie Zilevu, he indicated to
13 me that he owns a business by the name of MacroTele.

14 Q. Have you reviewed these records before coming to court
15 today?

16 A. I have.

17 Q. I want to direct your attention now to the line, line
18 number 4 there, with a date of November 13, 2016.

19 Do you see that?

20 A. I do.

21 Q. Now, next to the defendant's business name, it says
22 "type."

23 What is reflected in the "type" section?

24 A. It says, "Credit card payments sent."

25 Q. What was the gross or total amount that was paid?

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1 A. \$550.

2 Q. What credit card was used to pay this \$550?

3 A. The Matthew Brown American Express card ending in 2003.

4 Q. Looking down at line 8, do you see MacroTele mentioned
5 again?

6 A. I do.

7 Q. What is listed as the type of this transaction?

8 A. Type is "request received."

9 Q. And the total amount of the request?

10 A. Paid.

11 Q. The total amount of the request?

12 A. \$7,400.

13 Q. And what is the status of the request?

14 A. Paid.

15 Q. So let's look at Government's Exhibit 75. If we could go
16 to page 2, please.

17 Special Agent Soden, looking at the second section
18 there, does this document reflect a \$7,400 payment made using
19 the Matthew Brown card ending in 2003?

20 A. Yes, it does.

21 Q. And is this the same payment to MacroTele that we were
22 just discussing?

23 A. Yes.

24 MR. WALKER: All right. If we could go back, Ms.
25 Dashoff, to Government Exhibit 74, and focus on the third box

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1 on page 2 with the e-mail addresses.

2 BY MR. WALKER:

3 Q. All right. Special Agent Soden, do you see line 4 on
4 this section?

5 A. Yes.

6 Q. What is the "from" e-mail address there?

7 A. Mbbrown1933@gmail.com.

8 Q. And what's the "to" e-mail address?

9 A. Kiddysmall@yahoo.com.

10 Q. During the course of your interview, what, if anything,
11 did you ask the defendant about this e-mail address
12 kiddysmall@yahoo.com?

13 A. I asked Mr. Zilevu if that was an e-mail that he used,
14 and he stated that he did.

15 Q. And the shipping address that's listed for Matthew Brown,
16 what is that purported to be?

17 A. That is 14520 Gen. Wash. Drive B, Woodbridge, Virginia
18 22193.

19 Q. Are you familiar with that address?

20 A. Yes, that's Kwashie Zilevu's or was Kwashie Zilevu's home
21 address.

22 Q. How do you know that?

23 A. He advised me that during our interview.

24 Q. Now, I want to focus for a moment on the "B" that is
25 mentioned in the address there.

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1 Were you present in court for the testimony of Mr.
2 Blay earlier in trial?

3 A. I was.

4 Q. What, if anything, did you hear him say about the use of
5 annex B or apartment B in addresses?

6 A. Mr. Blay indicated that he would -- they would use "annex
7 B" or apartment such-and-such to try and, you know, make it
8 appear as if the card was not coming directly to Kwashie
9 Zilevu's address, and that it was directed to another
10 apartment or annex there.

11 Q. Looking below that to line 7, what's the e-mail address
12 listed as the "from" there?

13 A. Kzilevu@gmail.com.

14 Q. Did you ask the defendant about this e-mail address?

15 A. I did.

16 Q. What did he tell you about it?

17 A. He stated that that is also an e-mail address that he
18 uses.

19 Q. Well, if he admitted to you that he used that address and
20 the kiddysmall@yahoo.com, what, if anything, did you ask him
21 about the mbbrown1933@gmail.com address?

22 A. I asked him if he was responsible for opening that
23 account and if he had used that account.

24 Q. What did he say?

25 A. He stated that he has not used that account at all and

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1 was not responsible for opening it.

2 Q. What, if anything, did he say about connecting that
3 account to the PayPal account?

4 A. He stated that he was not responsible for doing so.

5 Q. Special Agent Soden, did you obtain records from Google
6 regarding this mbbrown1933@gmail.com account to determine if
7 the e-mail address was associated with the defendant?

8 A. Yes.

9 Q. Let's take a look at Government's Exhibit 70.

10 Special Agent Soden, what are we looking at here?

11 A. We looking at Google subscriber information for the
12 mbbrown1933@gmail.com account that was opened.

13 Q. Now, do you see the section that lists a number of IP
14 addresses on this document?

15 A. I do.

16 Q. What is an IP address?

17 A. An IP address is an internet protocol address. It's much
18 like in real life, you have a physical address where your home
19 or business is located. This is an address that would tie
20 your physical location to any kind of online activity.

21 Q. All right. I want to go down to the IP address
22 information.

23 What's the first IP address that's listed there?

24 A. 100.15.54.9.

25 Q. Did law enforcement obtain records associated with this

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1 IP address?

2 A. Yes.

3 MR. WALKER: All right. If we could pull up
4 Government's Exhibit 2 side by side with Government Exhibit
5 70, Ms. Dashoff. And if we could enlarge. Thank you.

6 BY MR. WALKER:

7 Q. Looking at Government Exhibit 2, do you recognize this as
8 customer's information associated with the IP address you just
9 mentioned?

10 A. Yes.

11 Q. Who is the customer associated with this address?

12 A. Aseye Zilevu.

13 Q. What is the relationship of Aseye Zilevu to the
14 defendant?

15 A. That is Kwashie Zilevu's sister.

16 Q. What is the account address that is listed there?

17 A. 14520 General Washington Drive, Woodbridge, Virginia.

18 Q. And the phone number that's listed as the evening
19 telephone number, are you familiar with that number?

20 A. I am.

21 Q. How are you familiar with that number?

22 A. That is Kwashie Zilevu's Google Voice telephone number.

23 Q. And the e-mail address above his Google Voice number,
24 whose e-mail address is that?

25 A. That's Kwashie Zilevu's e-mail address.

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1 Q. Did you obtain records from Google associated with
2 Kwashie Zilevu's e-mail address?

3 A. I did.

4 Q. Let's go to Government Exhibit 1, please.

5 MR. WALKER: Enlarge the top portion with the
6 subscriber information, please, Ms. Dashoff.

7 BY MR. WALKER:

8 Q. Whose name is listed as the subscriber for this e-mail
9 address?

10 A. Kwashie Zilevu.

11 Q. And if we could zoom out of that and focus on the bottom
12 half of the subscriber information, please.

13 Special Agent Soden, do you see a recovery e-mail
14 associated with this gmail.com address?

15 A. I do.

16 Q. What is the e-mail address listed there?

17 A. Kwashie.s.zilevu@irs.gov.

18 Q. Are you familiar with that e-mail address?

19 A. Yes, that was Kwashie Zilevu's official IRS e-mail
20 address.

21 Q. And that Google Voice number that you mentioned earlier,
22 ending in 2285, do you see that listed here?

23 A. I do.

24 Q. Where is that reflected?

25 A. Towards the middle, next to where it says "SMS," and then

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1 there's a plus.

2 Q. There's also a nickname associated with the account.

3 What's the nickname?

4 A. Kiddy Small.

5 Q. Let's go back to Government's Exhibit 70.

6 What's the second IP address that is listed there?

7 A. 108.28.0.151.

8 Q. Did you obtain records associated with this IP address?

9 A. I did.

10 Q. Let's go to Government's Exhibit 2B.

11 Are these the records associated with the second IP
12 address that we just mentioned?

13 A. Yes.

14 Q. Is this also associated the defendant's e-mail address?

15 A. Yes.

16 Q. Do you see the defendant's home address reflected here as
17 well?

18 A. Yes.

19 Q. Where is that shown?

20 A. Towards the middle, directly beside account address.

21 Q. The Google Voice number that we just discussed, do you
22 see that listed as well?

23 A. I do.

24 Q. Where is that reflected?

25 A. Beside evening telephone number, down towards the bottom.

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1 Q. All right. Let's go back to Government Exhibit 70 and
2 focus on the third IP address.

3 The third IP address appears twice, Special Agent
4 Soden.

5 What is it?

6 A. 96.255.54.88.

7 Q. Did you obtain information associated with this IP
8 address as well?

9 A. I did.

10 Q. If we could pull up Government's Exhibit 2D.

11 Is this the IP address customer information
12 associated with the IP address we just discussed?

13 A. Yes.

14 Q. To your knowledge, who is the individual listed as the
15 customer there?

16 A. The customer is Eva Ahiabile.

17 Q. Do you know who that individual is?

18 A. That is Kwashie Zilevu's mother.

19 Q. Do you recognize the account address listed there?

20 A. Yes. That is Kwashie Zilevu's parents' address.

21 Q. How do you recognize that as the defendant's parents'
22 address?

23 A. Kwashie Zilevu stated that during my interview with him.

24 Q. Did he also tell you whether or not he had previously
25 lived at that address?

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1 A. Yes, he stated that he had.

2 Q. Now, do you recognize the -- I'm sorry. One second,
3 please.

4 You mentioned a moment ago that the address was his
5 parents' address.

6 What is the address listed there.

7 A. 5576 Roundtree Drive, Woodbridge, Virginia 22193.

8 Q. All right. Let's go back to Government's Exhibit 70 once
9 again.

10 After the defendant's parents' IP address, there's
11 an IP address that begins with 108.56.

12 Do you see that?

13 A. I do.

14 Q. What is the full address?

15 A. 108.56.157.38.

16 Q. Did you obtain records for this IP address?

17 A. Yes.

18 Q. If we could pull up Government's Exhibit 2E.

19 Are these the IP address records associated with the
20 address we were just discussing?

21 A. Yes.

22 Q. Looking at this document, at what address are these
23 records associated?

24 A. Kwashie Zilevu's parents' address.

25 Q. Finally, let's go back to Government Exhibit 70 one more

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1 time.

2 The final IP address associated with the -- with
3 this account appears four consecutive times.

4 Do you see that?

5 A. I do.

6 Q. What is that address?

7 A. 72.83.15.13.

8 Q. And consistent with the other IP addresses we discussed,
9 did you obtain records for this one as well?

10 A. I did.

11 Q. Let's look at Government's Exhibit 2C.

12 Looking at Government's Exhibit 2C, do you see the
13 defendant's home address there?

14 A. I do.

15 Q. Where is that reflected?

16 A. Towards the middle of the page, to the right of account
17 address.

18 Q. Do you also see the defendant's e-mail address and Google
19 Voice number listed?

20 A. Yes.

21 Q. Where do those appear?

22 A. Towards the bottom beside "e-mail address" and "evening
23 telephone number."

24 Q. What, if any, evidence did you find during your
25 investigation to suggest that this mbbrown1933@gmail.com was

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1 associated with the real Matthew Brown in any way?

2 A. None at all.

3 Q. With that in mind, let's talk about how else that Gmail
4 account was used.

5 Special Agent Soden, are you familiar with what's
6 Google Wallet?

7 A. I am.

8 Q. What is your understanding of what Google Wallet is?

9 A. It's an online payment service. It could also be mobile.
10 It's like having a digital wallet where you can easily
11 transfer funds to businesses or peer-to-peer.

12 Q. I'd like you to take a look, with that in mind, at
13 Government's Exhibit 71.

14 If we could go to page 2, Ms. Dashoff.

15 Special Agent Soden, could you read the bolded text
16 at the very top of this exhibit.

17 A. "You requested \$7,750 from mbbrown1933@gmail.com.

18 Q. And the "to" that is listed there, what is the e-mail
19 address that you see?

20 A. Kzilevu@gmail.com.

21 Q. So who is the "you" being referred to there with the "you
22 requested \$7,750"?

23 A. Kzilevu@gmail.com.

24 Q. On what date was this request sent?

25 A. May 7, 2016.

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1 Q. Special Agent Soden, from where was this document
2 obtained?

3 A. This document was obtained through a Google search
4 warrant, which was executed on the e-mail address
5 kzilevu@gmail.com.

6 Q. So then where specifically was this e-mail communication
7 found?

8 A. This was located in the inbox.

9 Q. For what account?

10 A. For kzilevu@gmail.com.

11 Q. All right. I want to shift gears and focus on American
12 Express records for a moment.

13 You testified earlier that the Google Voice number
14 ending in 2285 was the defendant's number. So with that in
15 mind, I'd like to look at Government's Exhibit 10C.

16 Special Agent Soden, were you in court for the
17 testimony of Investigator Peter Boresky?

18 A. I was.

19 Q. Did you hear him say this spreadsheet reflected calls
20 associated with the Matthew Brown American Express account?

21 A. Yes.

22 Q. Do you recognize the number at the top of the page?

23 A. I do.

24 Q. What number is that?

25 A. That is Kwashie Zilevu's Google Voice telephone number.

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1 Q. How many times did that number call into American Express
2 on the Matthew Brown account?

3 A. Four different times.

4 Q. Earlier, you testified that Mr. Zilevu admitted that he
5 used kiddysmall@yahoo.com; is that correct?

6 A. Correct.

7 Q. Did you obtain customer information for that e-mail
8 address from Yahoo?

9 A. Yes.

10 Q. Let's take a look at Government's Exhibit 73.

11 If we could enlarge the first five or six headings
12 there.

13 Do you recognize Government's Exhibit 73?

14 A. I do.

15 Q. What is it?

16 A. This is account subscriber information for the Yahoo
17 e-mail address, kiddysmall@yahoo.com.

18 Q. Looking down at the line that says "alternate
19 communication channels," can you describe what information is
20 captured there.

21 A. Yes. Kwashie Zilevu's kzilevu@gmail.com address, and
22 also Kwashie Zilevu's Google Voice telephone number.

23 Q. If we could enlarge the name on the account, please.

24 What's the full name listed there?

25 A. Mr. Senam Zilevu.

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1 Q. What is the defendant's middle name?

2 A. Senam.

3 Q. Now, looking at the "other identities," what's the first
4 other identity listed there?

5 A. Kiddy Small.

6 MR. WALKER: If we could go back now to Government
7 Exhibit 401. And highlight the first few transactions, the
8 first two or three.

9 BY MR. WALKER:

10 Q. Do you see a vendor listed there named Floor & Décor,
11 Special Agent Soden?

12 A. Yes.

13 Q. What is Floor & Décor?

14 A. Floor & Décor is a store that sells flooring. Also,
15 interior decorating products. It would be popular if you're
16 remodeling a home or staging it to sell your own home.

17 Q. How many transactions were the Matthew Brown card used
18 for at Floor & Décor?

19 A. Five transactions.

20 Q. And then what total amount?

21 A. \$3,804.37.

22 Q. Well, during the course of the investigation, did law
23 enforcement obtain any evidence from Floor & Décor?

24 A. Yes. We obtained receipts and also pictures of
25 surveillance footage.

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1 Q. Let's look now at Government's Exhibit 21.

2 What is Government's Exhibit 21?

3 A. This is a receipt from Floor & Décor.

4 MR. WALKER: If we could enlarge the header
5 information at the top, Ms. Dashoff.

6 BY MR. WALKER:

7 Q. Looking at this portion of the receipt, Special Agent
8 Soden, in what city and state are Floor & Décor located?

9 A. Woodbridge, Virginia.

10 MR. WALKER: If we could go now to the bottom of the
11 page and highlight from the -- thank you.

12 BY MR. WALKER:

13 Q. Do you see the last four digits of the account number
14 listed there?

15 A. I do.

16 Q. What are they?

17 A. 2003.

18 Q. And from what credit card company?

19 A. From American Express.

20 Q. And below the word "chip," what is reflected there?

21 A. "Sign."

22 MR. WALKER: If we could go back to the top of this
23 exhibit, please, Ms. Dashoff.

24 BY MR. WALKER:

25 Q. What is the date listed on this receipt?

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1 A. January 16, 2017.

2 Q. And the time?

3 A. 1:58 p.m.

4 MR. WALKER: All right. If we could zoom out one
5 more time and go back again to the bottom, the very bottom
6 this time.

7 BY MR. WALKER:

8 Q. What's the customer name on the receipt?

9 A. Matt Brown.

10 Q. And the telephone number, do you recognize that number?

11 A. I do.

12 Q. What is it?

13 A. Kwashie Zilevu's Google Voice telephone number.

14 Q. Now, the customer name here you said is listed as Matt
15 Brown.

16 Were you present in court for Mr. Brown's testimony?

17 A. Yes.

18 Q. Had you seen Mr. Brown before he appeared in court?

19 A. Yes.

20 Q. You said a moment ago that the time stamp was January 16,
21 2017 at 1:58 p.m.; is that correct?

22 A. That's correct.

23 Q. With that in mind, I'd like to take a look at
24 Government's Exhibit 21A.

25 What is Government's Exhibit 21A?

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1 A. This is a picture of surveillance footage obtained from
2 Floor & Décor.

3 MR. WALKER: If we could enlarge the time stamp
4 please, Ms. Dashoff.

5 BY MR. WALKER:

6 Q. What date and time are reflected in the time stamp?

7 A. This would have been January 16, 2017, at -- it's in
8 military time -- that converts to 2:01 p.m.

9 Q. For how soon after the receipt was printed is this image?

10 A. Three minutes.

11 Q. Were you in here in court for the testimony of the
12 defendant's sister?

13 A. I was.

14 MR. WALKER: If we could enlarge the photograph for
15 a moment, Ms. Dashoff.

16 BY MR. WALKER:

17 Q. Where, according to the defendant's sister, did he attend
18 college?

19 A. Virginia Tech.

20 Q. If we could go back to Government's Exhibit 401, to the
21 very last line of page 1 of the exhibit.

22 Special Agent Soden, what is the last vendor listed
23 there?

24 A. DSW.

25 Q. What is DSW?

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1 A. Designer Shoe Warehouse.

2 Q. How much money was spent at DSW?

3 A. \$180.10.

4 Q. According to the transaction log there, what was the date
5 of the last transaction that occurred at DSW?

6 A. That would have been January 7th of 2017.

7 Q. Did law enforcement obtain surveillance evidence from DSW
8 during the course of the investigation?

9 A. We did.

10 Q. Let's take a look at Government Exhibit 22.

11 What are we looking at in Government's Exhibit 22,
12 Special Agent Soden?

13 A. This is a picture of surveillance footage that was taken
14 at DSW.

15 Q. Does this exhibit have a date stamp on it?

16 A. It does.

17 Q. What date is that?

18 A. January 7, 2017.

19 MR. WALKER: If we could enlarge the photograph, Ms.
20 Dashoff.

21 BY MR. WALKER:

22 Q. Where you in court for the testimony of Jessica Solomon?

23 A. I was.

24 Q. What, if anything, did you hear her say about the
25 defendant's attire when they met at his home?

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1 A. She stated that he was wearing a trench coat.

2 Q. Looking at this photo, what does the individual in the
3 photo appear to be wearing?

4 A. A trench coat.

5 Q. Special Agent Soden, are you familiar with BJ's
6 Wholesale?

7 A. I am.

8 Q. What is it?

9 A. It's a wholesale store. They sell big box items, similar
10 to a Costco or a Price Club or Sam's Club.

11 Q. Based on your investigation, was the Matthew Brown card
12 used at BJ's Wholesale?

13 A. It was.

14 Q. Did you obtain evidence related to one of those uses from
15 BJ's?

16 A. Yes.

17 MR. WALKER: Let's take a look at Government Exhibit
18 24.

19 If we could highlight the details at the top,
20 please, Ms. Dashoff.

21 BY MR. WALKER:

22 Q. What is the date reflected on this receipt from BJ's
23 Wholesale?

24 A. January 8th of 2017.

25 Q. What is the total amount of the receipt?

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1 A. \$405.67.

2 Q. Where was this BJ's Wholesale Club specifically located?

3 A. Woodbridge, Virginia.

4 Q. All right. I want to focus -- zoom out for a minute, and
5 focus on the bottom half of the purchases.

6 Do you see an item number ending in 6092, the second
7 purchase listed there?

8 A. I do.

9 Q. What is reflected as being purchased?

10 A. A body pillow.

11 Q. All right. If we could go now to Government's Exhibit
12 24A.

13 Was this photo obtained from the same day as the
14 transaction that occurred at BJ's on January 8, 2017?

15 A. Yes.

16 Q. Special Agent Soden, this photo does not appear to have a
17 date and time stamp.

18 How do you know that this surveillance photo was
19 from the same day?

20 A. We brought Amex statements to the store, and based on the
21 total transaction amount, like the card number that was used
22 and the name, they were able to pull surveillance footage
23 based on those identifiers.

24 Q. And who is the "they" that you are referring to?

25 A. Loss prevention.

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1 Q. How much time elapsed between the DSW transaction and
2 this BJ's transaction?

3 A. From the DSW? One day.

4 Q. Now, the large white item on the cart, what does that
5 appear to be?

6 A. Appears to be a body pillow.

7 Q. What does the individual carrying the products in this
8 surveillance photo appear to be wearing?

9 A. A trench coat.

10 MR. WALKER: If we could go back to Government's
11 Exhibit 401, about 12 lines or so down, Ms. Dashoff. If we
12 could highlight the section that has Home Depot, Delta, Venmo,
13 and Best Buy.

14 BY MR. WALKER:

15 Q. Do you see in the enlarged portion, Special Agent Soden,
16 the seventh vendor listed there as Venmo?

17 A. I do.

18 Q. What is Venmo?

19 A. That's another online payment service. It's actually
20 owned by PayPal, but it's also -- you can send money to and
21 from peers and make purchases at businesses.

22 Q. How much money from the Matthew Brown American Express
23 card was spent at Venmo?

24 A. \$1,545.

25 Q. Did you obtain records from Venmo during the course of

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1 the investigation?

2 A. Yes.

3 Q. During your interview with the defendant, did you ask him
4 whether he used the mbbrown1933@gmail.com account to open a
5 Venmo account?

6 A. I did.

7 Q. What did he say?

8 A. He said that he did not.

9 Q. Let's take a look at Government's Exhibit 77.

10 What is Government Exhibit 77, Special Agent Soden?

11 A. This is a Venmo subscriber information for the Venmo
12 account opened using Matthew Brown's name.

13 MR. WALKER: If we could enlarge the -- before we go
14 there, Ms. Dashoff, if we can enlarge the registration
15 information, please.

16 BY MR. WALKER:

17 Q. What's the name listed as the registered information?

18 A. Matthew Brown.

19 Q. And below that, do you see where it says "date joined"?

20 A. I do.

21 Q. On what date was this account opened?

22 A. June 30, 2016.

23 Q. Now, if we could go to the next section that says
24 "identity verified."

25 Now, do you see in the list there where it says

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1 "identity verified" in sort of the second section?

2 A. Yes, I do.

3 Q. What two forms of identity were used to verify this
4 account?

5 A. A Social Security number and a date of birth.

6 Q. And at the bottom there in the "about" section, do you
7 see a Social Security number and date of birth reflected
8 there?

9 A. Yes.

10 MR. WALKER: Let's go now to the second page of this
11 exhibit and enlarge the section that says "cards and bank
12 account."

13 Ms. Dashoff, if we could just enlarge the first two
14 or three columns. Let's make it a little larger for the
15 members of the jury, please. Thank you.

16 BY MR. WALKER:

17 Q. Special Agent Soden, in the section that says "cards,"
18 what is the last four digits of the card that is shown as
19 associated with this Venmo account in Matthew Brown's name?

20 A. 2003.

21 Q. Are those the same last four digits as the Matthew Brown
22 American Express account?

23 A. Yes.

24 Q. Let's focus on the bank account section for a moment.

25 What are the last four digits of the bank account

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1 associated with this Matthew Brown Venmo account?

2 A. 3169.

3 Q. What's listed as the financial institution there?

4 A. Wright Patman Congressional FCU.

5 Q. During your investigation, did you learn whether the
6 defendant maintained any accounts at that bank?

7 A. I did.

8 Q. With that in mind, let's take a look at Government
9 Exhibit 120.

10 What are we looking at in Government Exhibit 120?

11 A. This is a Congressional Federal Credit Union membership
12 application.

13 MR. WALKER: If we could enlarge the account owner
14 section with the checkmark right above it as well. Thank you.

15 BY MR. WALKER:

16 Q. Do you see in the top left corner there where the box is
17 checked that says "I'm already a member"?

18 A. Yes.

19 Q. What are the last four digits of the account number
20 associated with that account?

21 A. 3169.

22 Q. Are those the same last four digits as the bank account
23 used on the Matthew Brown Venmo account?

24 A. Yes.

25 Q. What address has the defendant listed here?

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1 A. Kwashie Zilevu's parents' address.

2 Q. And the e-mail address that's reflected there?

3 A. That is Kwashie Zilevu's official IRS e-mail address.

4 Q. All right. Let's shift gears now and talk about hotels.

5 Did you also discover evidence that the Matthew
6 Brown card was used to purchase hotel stays?

7 A. Yes.

8 Q. Are you familiar with what's called HotelTonight?

9 A. I am.

10 Q. What is HotelTonight?

11 A. HotelTonight is a booking service that allows you to book
12 higher-end hotels for cheap at the last minute.

13 Q. If you could please take a look at Government Exhibit 90.
14 Special Agent Soden, what is Government's Exhibit
15 90?

16 A. This is an e-mail booking confirmation from HotelTonight.

17 Q. If we could enlarge this section, Ms. Dashoff.

18 What does the bolded information say on this
19 receipt?

20 A. "HotelTonight booking receipt, November 13, at Trump
21 International Resort."

22 Q. What e-mail address received this booking confirmation
23 receipt?

24 A. Kzilevu@gmail.com.

25 Q. How did you obtain a copy of this booking receipt?

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1 A. This was obtained through executing the search warrant on
2 Kwashie Zilevu's or the kzilevu@gmail.com address.

3 Q. On what date was this e-mail sent?

4 A. November 13, 2016.

5 Q. Can you read the sentence that starts with "thanks for
6 booking."

7 A. "Thanks for booking with HotelTonight. Here is a receipt
8 for your stay."

9 Q. Where is the stay reflected in this receipt?

10 A. It's just below that sentence towards the bottom of the
11 page.

12 Q. What is the name of the hotel reflected there?

13 A. Trump International Resort.

14 Q. And in what location is that resort?

15 A. In Sunny Isles, Florida.

16 Q. Is Sunny Isles, Florida, outside the Commonwealth of
17 Virginia?

18 A. Yes.

19 Q. If we could scroll down to the "receipt details" section,
20 please.

21 Who is listed as the guest on this stay?

22 A. Kwashie Zilevu.

23 Q. What are the check-in and checkout dates?

24 A. Check-in date is November 13, 2016. Checkout date is
25 November 14, 2016.

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1 Q. Can you read the sentence that starts with "we charged."

2 A. "We charged \$201 to your American Express card ending
3 2003, under the name HotelTonight."

4 Q. Is that the same card as the Matthew Brown card that was
5 charged for HotelTonight?

6 A. Yes.

7 Q. If we could pull up Government's Exhibit 91.

8 Special Agent Soden, is this another booking
9 confirmation or receipt from HotelTonight?

10 A. Yes.

11 Q. How did law enforcement obtain this e-mail receipt?

12 A. Also a search warrant on the kzilevu@gmail.com address.

13 MR. WALKER: If we could enlarge the header
14 information, please, Ms. Dashoff.

15 BY MR. WALKER:

16 Q. On what date was this e-mail sent?

17 A. This was sent on November 14, 2016.

18 Q. And on what date was it received?

19 A. November 14, 2016.

20 Q. What e-mail address received this booking receipt?

21 A. Kzilevu@gmail.com.

22 Q. Special Agent Soden, where was this hotel stay?

23 A. This would have been the Riviera South Beach in Miami
24 Beach, Florida.

25 Q. Is Miami Beach, Florida, outside the Commonwealth of

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1 Virginia?

2 A. Yes.

3 Q. If we could scroll down to the receipt details.

4 On what date was the defendant checked out of this
5 hotel?

6 A. Checked out on November 15, 2016.

7 Q. And what card is reflected as being charged this time?

8 A. The American Express card ending in 2003.

9 Q. Now, when, in relation to the stay at the Trump
10 International Resort, was this stay at the Riviera South
11 Beach?

12 A. The following day.

13 Q. So if the members of the jury were to look at
14 Government's Exhibit 41, would they see two hotel charges
15 reflected under the name "HotelTonight"?

16 A. Yes.

17 Q. Special Agent Soden, you mentioned a moment ago that the
18 checkout date was November 15, 2016; is that correct?

19 A. That's correct.

20 Q. Were you also in court for the cross-examination of
21 Matthew Brown?

22 A. Yes.

23 Q. Did you hear Mr. Zilevu's lawyers ask him whether someone
24 could just put a person's name on an Uber account?

25 A. I did.

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1 Q. With that in mind, let's take a look at Government
2 Exhibit 80.

3 Do you recognize this as an Uber receipt you
4 obtained during the investigation?

5 A. Yes.

6 MR. WALKER: If we could enlarge first the top right
7 corner of this exhibit. The top right. All the way at the
8 top. Thank you.

9 BY MR. WALKER:

10 Q. What is the date of this Uber receipt?

11 A. November 15, 2016.

12 Q. Is that the same day as the checkout at the Riviera South
13 Beach?

14 A. Yes.

15 Q. Now, if we could go to the bottom portion of this receipt
16 and focus on the origin and destination sections, please.

17 What is the origin of this trip listed here?

18 A. The origin is 5 Aviation Circle, Arlington, Virginia.

19 Q. Do you know what is located at or near that address?

20 A. Yes. That address is at Reagan International Airport
21 located in Arlington, Virginia.

22 Q. What was the ultimate destination of this trip?

23 A. It would be 14516 General Washington Drive, Woodbridge,
24 Virginia.

25 Q. Is that the defendant's address?

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1 A. It's not.

2 Q. Where is that in relation to the defendant's home?

3 A. That is directly next to the defendant's home.

4 Q. We've heard a lot of testimony about the defendant's
5 address being at 14520.

6 How do you know that this is next door and not two
7 doors down?

8 A. I researched it using Google Maps and could see clearly
9 it was the house directly beside his.

10 MR. WALKER: I want to go back to Government's
11 Exhibit 401 now and look at the most frequent vendor that is
12 used. Sort of in the middle of the page, Ms. Dashoff.

13 Amazon, Shell, Uber, and ExxonMobil. Thank you.

14 BY MR. WALKER:

15 Q. Do you see the transactions listed for Uber there?

16 A. I do.

17 Q. How many transactions occurred at Uber using the Matthew
18 Brown card ending in 2003?

19 A. 49.

20 Q. And what was the total amount of those charges?

21 A. \$1,065.48.

22 Q. If we could pull up Government's Exhibit 83.

23 Special Agent Soden, is Government's Exhibit 83
24 another Uber receipt that you obtained during the
25 investigation?

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1 A. Yes.

2 Q. If we could focus on the destination and origin
3 information for a moment.

4 What is listed as the destination for this Uber
5 ride?

6 A. The destination is 14520 General Washington Drive,
7 Woodbridge, Virginia, which is also Kwashie Zilevu's address.

8 Q. All right. Special Agent Soden, I want to go back to
9 Government's Exhibit 401 now.

10 Towards the bottom half of the page, there should be
11 a transaction for Sprint wireless.

12 Do you see the third transaction listed in the
13 enlarged section for Sprint wireless?

14 A. Yes.

15 Q. On what date did that transaction occur?

16 A. September 9th of 2016.

17 Q. And then what was the amount of the charge?

18 A. \$548.88.

19 Q. Special Agent Soden, are you familiar with an individual
20 named Michelle Purvis?

21 A. Yes.

22 Q. Could you spell her last name for the benefit of the
23 court reporter.

24 A. P-u-r-v-i-s.

25 Q. How are you familiar with Ms. Purvis?

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1 A. Michelle Purvis is an Internal Revenue Service employee
2 and former coworker of Kwashie Zilevu.

3 Q. Did you interview Ms. Purvis during the course of the
4 investigation?

5 A. I did.

6 Q. Did you request records from Sprint Wireless associated
7 with this \$548.88 charge?

8 A. I did.

9 Q. If we could pull up Government's Exhibit 100.

10 Special Agent Soden, are we looking at records
11 associated with a Sprint phone number that you requested in
12 connection with this investigation?

13 A. Yes.

14 Q. For whose number are these records?

15 A. For Michelle Purvis's telephone number.

16 MR. WALKER: If we could go to the second page of
17 this exhibit and enlarge the bottom portion with the account
18 details, please.

19 BY MR. WALKER:

20 Q. Special Agent Soden, do you see Ms. Purvis's name
21 reflected there?

22 A. Yes.

23 MR. WALKER: All right. If we could go to page 7 of
24 the exhibit and enlarge the top half, please.

25 BY MR. WALKER:

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1 Q. Do you see where it says "request type"?

2 A. Yes.

3 Q. What is reflected as the request type?

4 A. Payment.

5 Q. And on what date did the payment occur?

6 A. September 9th of 2016.

7 Q. And is that consistent with the records you examined when
8 you prepared Government's Exhibit 401?

9 A. It is.

10 Q. What are the last four digits of the subject number used
11 to make this payment?

12 A. 2003.

13 Q. You said a moment ago that Ms. Purvis was a coworker of
14 the defendant's.

15 Did you find any evidence to suggest that she had
16 access herself to this credit card?

17 A. No, I did not.

18 Q. All right. In addition to the purchases we've discussed,
19 were there also purchases made at Best Buy using the Matthew
20 Brown card?

21 A. There were.

22 Q. Can you just generally describe the types of purchases
23 that were made at Best Buy using the Matthew Brown card.

24 A. Mainly computer and electronics. Specifically, an Apple
25 watch, and also there was a Western Digital external hard

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1 drive.

2 Q. Well, generally speaking, where were the Best Buys
3 located, where those purchases were made?

4 A. In and around the Woodbridge and Springfield, Virginia,
5 area.

6 Q. During your investigation, did law enforcement also
7 obtain records from Amazon associated with the Matthew Brown
8 Amex card?

9 A. Yes.

10 Q. Let's pull up Government's Exhibit 110.

11 Do you recognize these as records obtained from
12 Amazon regarding the Matthew Brown account?

13 A. Yes.

14 MR. WALKER: All right. I want to focus on the
15 middle two columns.

16 If we could enlarge those for a moment, Ms. Dashoff.
17 Columns E and F.

18 BY MR. WALKER:

19 Q. Do you see the column that says "customer name"?

20 A. I do.

21 Q. What is the customer name listed there?

22 A. Johnny Zilevu.

23 Q. During the investigation, did you learn who Johnny Zilevu
24 is?

25 A. Yes. Johnny Zilevu is Kwashie Zilevu's father.

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1 Q. To the left of that column, do you see a column labeled
2 "customer e-mail"?

3 A. I do.

4 Q. What is the e-mail address listed there?

5 A. Skiddysmall@hotmail.com.

6 Q. During your interview with the defendant, what, if
7 anything, did you ask him about this e-mail address?

8 A. I asked him if that was an e-mail that he used, and he
9 advised that, yes, it is indeed an e-mail that he uses.

10 Q. If we could go to page 4, to the column marked "shipping
11 name" and focus on that.

12 What's the shipping name reflected on these records?

13 A. The shipping name is Matt Brown.

14 Q. If we could go to, next to that, to the shipping address.

15 What's the shipping address?

16 A. 14520 General Washington Drive in Woodbridge, Virginia.

17 Q. All right. If we could go to page 5 of this exhibit,
18 please.

19 Looking at page 5, I want to start with the column
20 on the far left that says "shipping phone."

21 What number is listed in that column?

22 A. That's Kwashie Zilevu's Google Voice telephone number.

23 Q. And the billing name listed there?

24 A. Matt Brown.

25 Q. If we could go to the last four columns and enlarge those

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1 please, Ms. Dashoff.

2 Do you see a billing phone number listed there?

3 A. I do.

4 Q. What is that billing phone number?

5 A. That is also Kwashie Zilevu's Google Voice telephone
6 number.

7 Q. And the column that says "CC type," what is reflected
8 there?

9 A. American Express.

10 Q. And the name on the credit card?

11 A. Matthew Brown.

12 Q. And the last four digits of the credit card number?

13 A. 2003.

14 Q. Special Agent Soden, during the course of your
15 investigation, did you come to learn whether the Matthew Brown
16 American Express card was used to purchase flights for the
17 defendant and his associates?

18 A. Yes.

19 Q. Let's take a look at Government's Exhibit 50.

20 What is Government's Exhibit 50?

21 A. These are transaction records from Delta Airlines
22 associated with the Matt Brown credit card ending in 2003.

23 MR. WALKER: If we could enlarge in that first
24 block, the middle column.

25 BY MR. WALKER:

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1 Q. Do you see where it says "PAX name"?

2 A. Yes.

3 Q. What name is reflected there?

4 A. Kwashie Senam Zilevu.

5 Q. And do you see where it says "ticket DOC total"?

6 A. Yes.

7 Q. What is the amount listed there?

8 A. \$781.20.

9 MR. WALKER: Let's focus for a moment on the
10 itinerary information box and focus on the origin and
11 destination sections of that, please, Ms. Dashoff.

12 BY MR. WALKER:

13 Q. What is listed as the origin of this trip in the first
14 line?

15 A. BWI.

16 Q. What is BWI?

17 A. Baltimore Washington International Airport.

18 Q. And the destination?

19 A. MSP.

20 Q. What is MSP?

21 A. Minneapolis-St. Paul airport.

22 Q. And the second line that lists Minneapolis-St. Paul as
23 the origin, what's the destination code?

24 A. SMF.

25 Q. What is SMF?

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1 A. Sacramento airport.

2 Q. If we could go to page 3 of this exhibit to the table
3 marked "geographic address information."

4 Whose name is listed there in the geographic address
5 information?

6 A. Matthew Brown.

7 Q. What's the address listed there as associated with
8 Matthew Brown?

9 A. 14520 General Washington Drive.

10 Q. And if we could go to the next section, where it says
11 "electronic address information."

12 Whose e-mail address appears there?

13 A. Kwashie Zilevu's Gmail address.

14 Q. Looking down at the bottom column now to the phone
15 address information, whose phone number is reflected there?

16 A. Kwashie Zilevu's Google Voice telephone number.

17 Q. Were these purchases made using the Matthew Brown
18 American Express card?

19 A. They were.

20 Q. All right. If we can take a look now at Government's
21 Exhibit 50A.

22 Is this an itinerary for the same trip that we just
23 walked through?

24 A. Yes.

25 MR. WALKER: If we could enlarge the first column --

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1 sorry, the second column in the first box. Thank you.

2 BY MR. WALKER:

3 Q. Do you see where it says "PAX name"?

4 A. I do.

5 Q. What's the name reflected there?

6 A. Nefise Yenilmez.

7 Q. During the investigation, did you learn who that is?

8 A. Yes.

9 Q. Who is it?

10 A. That's an ex-girlfriend of Kwashie Zilevu.

11 Q. Was the Matthew Brown American Express card ending in
12 2003 also used to purchase this flight?

13 A. It was.

14 Q. What's the total amount reflected at the ticket doc
15 total?

16 A. \$781.20.

17 Q. Let's go to Government's Exhibit 51.

18 MR. WALKER: If you can enlarge the top half,
19 please, Ms. Dashoff.

20 BY MR. WALKER:

21 Q. What are we looking at in Government's Exhibit 51?

22 A. Itinerary information for an American Airlines flight
23 that was booked using Matthew Brown's Amex -- or the Amex
24 credit card opened using Matthew Brown's identity.

25 Q. What's the destination of this trip?

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1 A. Destination is Dallas Fort Worth, Texas.

2 Q. And whose name appears at the top of this itinerary
3 information?

4 A. Kwashie Senam Zilevu.

5 Q. And looking down at the bottom under "receipt," where it
6 says "passenger," who is listed as the passenger?

7 A. Kwashie Senam Zilevu.

8 Q. What is the total of this ticket?

9 A. \$457.20.

10 Q. Finally, let's look at Government Exhibit 52.

11 What is Government's Exhibit 52?

12 A. This is an e-mail booking confirmation or receipt for a
13 South African Airways flight.

14 Q. And to whose e-mail address was this sent?

15 A. This was sent to Kwashie Zilevu's Gmail address.

16 Q. How did law enforcement obtain a copy of this e-mail?

17 A. This was also from the Google search warrant that was
18 executed on the kzilevu@gmail.com account.

19 MR. WALKER: If we could highlight the middle
20 portion where the flight information is located, please.

21 BY MR. WALKER:

22 Q. What is listed under "from/to"?

23 MR. WALKER: You were fine where you were, Ms.
24 Dashoff. Thank you.

25 BY MR. WALKER:

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1 Q. What is listed as "from/to" for this flight?

2 A. Washington Dulles International Airport.

3 Q. And where did the flight go?

4 A. To Accra Kotoka.

5 Q. Do you know where that's located?

6 A. It's in Ghana.

7 Q. For whom was this ticket purchased?

8 A. For --

9 Q. If we could enlarge the blue section, please.

10 A. It would have been Eva Ahiable, Zilevu's mother.

11 Q. If we could go to page 2 of this exhibit near the top,
12 there's a section that says "payment." Sort of the third
13 block of text.

14 Looking at now on your screen, it's the second line
15 item listed there, what are the last four digits of the card
16 used to purchase these flights?

17 A. 2003.

18 Q. And the total amount of the purchase?

19 A. \$955.56.

20 Q. During the course of your investigation, did you discover
21 other purchases made for South African Airways using the
22 Matthew Brown account?

23 A. Yes.

24 MR. WALKER: If we could go back to Government's
25 Exhibit 401 one last time. The sixth vendor listed there is

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1 the one we want to focus on this time.

2 BY MR. WALKER:

3 Q. Do you see South African Airlines listed in this
4 Government Exhibit 401?

5 A. Yes.

6 Q. What is total amount of purchases made at South African
7 Airlines?

8 A. \$2,294.72.

9 MR. WALKER: All right. If we could go now to the
10 bottom of page 3 of Government's Exhibit 401 and enlarge the
11 totals again.

12 BY MR. WALKER:

13 Q. How many total transactions were associated with the
14 Matthew Brown card?

15 A. 349.

16 Q. Special Agent Soden, I want to move on and talk about the
17 card opened in the name of Larry Fudger.

18 Have you reviewed the application associated with
19 that account?

20 A. I have.

21 Q. If we could pull up Government's Exhibit 140.

22 Do you recognize this as U.S. Bank credit card
23 application in the name of Larry Fudger?

24 A. Yes.

25 MR. WALKER: If we could go to page 3 of

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1 Government's Exhibit 140 and enlarge the e-mail address.

2 BY MR. WALKER:

3 Q. Special Agent Soden, what e-mail address is listed on
4 this application?

5 A. Lfudger1952@gmail.com.

6 Q. What, if any, information were you able to obtain from
7 Google associated with this account?

8 A. Account subscriber information.

9 Q. If we could pull up Government's Exhibit 141.

10 Special Agent Soden, what is Government Exhibit 141?

11 A. This is a record of Google subscriber information
12 associated with that lfudger1952@gmail account, which also
13 reflects the logins to that account.

14 Q. I want to direct your attention to the login, the second
15 one listed there, ending with .207.

16 Do you see that?

17 A. I do.

18 Q. Did law enforcement obtain records associated with that
19 IP address?

20 A. Yes.

21 Q. If we could pull up Government's Exhibit 2A.

22 With whose e-mail address is this IP address
23 associated?

24 A. Kzilevu@gmail.com, Kwashie Zilevu's e-mail address.

25 Q. And the evening telephone number, whose is that?

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1 A. That's Kwashie Zilevu's Google Voice telephone number.

2 Q. And the account address, whose address is that?

3 A. Kwashie Zilevu's address.

4 Q. If we could go back to Government's Exhibit 2.

5 What is the IP address listed on this page?

6 A. 100.15.54.9.

7 Q. And with what address is this IP address associated with?

8 A. Kwashie Zilevu's address.

9 Q. And looking back at Government's Exhibit 141, do you see
10 the IP address 100.15.54.9 reflected there?

11 A. Yes.

12 Q. If we could pull up Government's Exhibit 402.

13 Do you recognize Government's Exhibit 402 as a
14 summary chart you prepared for expenses associated with the
15 Larry Fudger account?

16 A. Yes.

17 Q. I would like to direct your attention to the line that
18 says Best Buy.

19 Do you see that?

20 A. I do.

21 Q. On what date was the transaction at Best Buy?

22 A. September 7th of 2017.

23 Q. For what amount?

24 A. \$794.98.

25 Q. Let's pull up Government's Exhibit 150.

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1 Special Agent Soden, what is Government Exhibit 150?

2 A. This is an e-mail receipt from Best Buy.

3 Q. To whom was this e-mail sent?

4 MR. WALKER: If we could enlarge the header
5 information, Ms. Dashoff.

6 A. Kzilevu@gmail.com.

7 Q. How did you obtain this e-mail?

8 A. This would have also -- this was also obtained through
9 the search warrant conducted on KZilevu@gmail.com.

10 Q. If we could go to the bottom of the first page here.

11 What city and state are listed as this -- associated
12 with this Best Buy?

13 A. Woodbridge, Virginia.

14 MR. WALKER: And going to the next page of
15 Government's Exhibit 150. If we could enlarge the
16 descriptions and the receipt, please.

17 BY MR. WALKER:

18 Q. Special Agent Soden, what was purchased on this day from
19 Best Buy?

20 A. An Amazon Echo Dot and a Samsung LED TV.

21 Q. For what total amount?

22 A. \$794.98.

23 Q. If we could zoom out and go to the information directly
24 below the description.

25 Whose name is reflected as associated with these

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1 purchases?

2 A. Larry Fudger.

3 Q. If we could go back to Government's Exhibit 402.

4 Do you see a transaction fourth from the bottom for
5 Delta Air?

6 A. I do.

7 Q. On what date did the Delta Air transaction occur?

8 A. On September 8th of 2017.

9 Q. And for what amount?

10 A. \$942.60.

11 Q. In the course of reviewing the results of the e-mail
12 search warrant you obtained, what, if any, communications did
13 you discover from Delta regarding this purchase?

14 A. Could you repeat that.

15 Q. Yes.

16 Did you discover any communications from Delta
17 regarding this purchase in the defendant's e-mail account?

18 A. Yes.

19 Q. If we could pull up Government's Exhibit 160.

20 Do you recognize this as an e-mail from Delta to the
21 defendant?

22 A. Yes.

23 Q. Was this e-mail obtained in the connection with the
24 search warrant you've been referencing?

25 A. Yes.

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1 Q. On what date was this e-mail sent?

2 A. September 8th of 2017.

3 Q. All right. In the e-mail, I want to focus on the
4 information directly below the Delta logo for a second.

5 Where it says "hello," whose name is reflected
6 there?

7 A. Kwashie Senam.

8 Q. In the section that says "depart," what was the departure
9 airport?

10 A. Washington Dulles International Airport.

11 Q. Where do these flights ultimately end up?

12 A. In Montego Bay, Jamaica.

13 Q. If we could go to page 2, to the middle of the page,
14 where it says "method of payment."

15 What are the last four digits of the card that was
16 used to pay for these flights?

17 A. 5062.

18 Q. Do you recognize that card number?

19 A. Yes.

20 Q. How do you recognize it?

21 A. That is the last four digits of the credit card that was
22 opened using Mr. Fudger's identity.

23 Q. What was the total amount charged reflected in this
24 e-mail receipt?

25 A. \$942.60.

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1 MR. WALKER: Let's go to Government's Exhibit 402
2 one last time. If we could enlarge the totals at the bottom
3 of the page.

4 BY MR. WALKER:

5 Q. Special Agent Soden, how many total transactions were
6 charged to the Larry Fudger U.S. Bank credit card?

7 A. 24.

8 Q. And in what total amount?

9 A. \$10,273.39.

10 Q. At some point during the investigation, did you execute a
11 search warrant at the defendant's home?

12 A. Yes.

13 Q. On what date did that search warrant occur?

14 A. On October 3rd of 2019.

15 Q. During that search warrant, can you just generally
16 describe what was seized.

17 A. Mainly computer and electronics equipment and storage
18 devices.

19 Q. With that in mind, I want to shift gears and focus on
20 some of what was found during that search warrant.

21 Let's pull up Government's Exhibit 143.

22 Special Agent Soden, do you recognize Government's
23 Exhibit 143?

24 A. I do.

25 Q. What is it?

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1 A. This looks like a Citibank or this is a Citibank checking
2 account application for Larry Fudger.

3 Q. How did you obtain this document?

4 A. This was obtained when our digital forensics lab, they
5 scanned an external hard drive that was seized from Kwashie
6 Zilevu's residence.

7 MR. WALKER: If we could highlight the header
8 information at the very top for a moment, please.

9 BY MR. WALKER:

10 Q. On the second line there, there's a reference to MacBook
11 Pro.

12 Whose MacBook Pro does it say this document came
13 from?

14 A. Kwashie's MacBook Pro.

15 MR. BROWN: Objection. Well, it's -- sorry,
16 withdrawn.

17 THE COURT: Yes, sir.

18 BY MR. WALKER:

19 Q. Were you finished with your answer, Special Agent Soden?

20 A. I guess I can repeat it. Kwashie's MacBook Pro.

21 Q. Now, I want to focus on the substance of this document
22 for a minute.

23 MR. WALKER: If we can enlarge the --

24 Thank you.

25 BY MR. WALKER:

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1 Q. Whose name is listed on this Citibank application?

2 A. Larry Fudger.

3 Q. And with what address is Larry Fudger purportedly
4 associated?

5 A. 5576 Roundtree Drive in Woodbridge, Virginia.

6 Q. Going down to the third page now.

7 Do you see where it says "applicant signature"?

8 A. I do.

9 Q. On what date was the application purportedly signed?

10 A. On February 6th of 2018.

11 MR. WALKER: If we could go back to the second page
12 for a moment, Ms. Dashoff, and enlarge the information at the
13 top.

14 BY MR. WALKER:

15 Q. Special Agent Soden, do the date of birth and Social
16 Security number fields on this document appear to be filled
17 out?

18 A. They do.

19 Q. During your investigation, what, if any, evidence did you
20 find to suggest that Larry Fudger applied for a City checking
21 account in 2018?

22 A. None at all.

23 Q. Let's pull up Government's Exhibit 144.

24 Special Agent Soden, how was this document obtained?

25 A. This would have been the same instance. This would have

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1 been an image that was taken from an external hard drive taken
2 from Zilevu's residence during the search warrant.

3 MR. WALKER: And if you could focus, Ms. Dashoff, on
4 the header information in the top section with the name.

5 BY MR. WALKER:

6 Q. Whose name is reflected on this document?

7 A. Larry Fudger.

8 Q. Special Agent Soden, are you familiar with these types of
9 IRS documents?

10 A. I am.

11 Q. What is it?

12 A. This is a notice informing Larry Fudger that an employer
13 identification number had been opened in his name.

14 Q. What is the date of this notice?

15 A. September 27th of 2017.

16 Q. What, if any, evidence did you find during the
17 investigation to suggest that Larry Fudger actually applied
18 for an EIN in his own name?

19 A. None at all.

20 Q. Let's move now to talk about the credit card that was
21 opened in the name of Clifford Shingleton.

22 Have you reviewed the application associated with
23 that account?

24 A. I have.

25 THE COURT: Mr. Walker, let's go ahead and take a

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1 comfort break right now for everybody as we're sort of
2 switching gears.

3 Ladies and gentlemen, we're going to go ahead and
4 take a ten-minute comfort break. Please do not discuss the
5 case or any aspect of the case with anyone.

6 We will bring you back in at 12:25 promptly.

7 (Recess.)

8 (Court proceedings resumed at 12:33 p.m.)

9 THE COURT: Mr. Walker, just for housekeeping, how
10 long do you think you're going to need with this witness?

11 It looks like you are to the last alleged victim.

12 MR. WALKER: Yes, exactly, Your Honor. So we're at
13 the end.

14 THE COURT: Okay. Mr. Brown, just, again, for
15 logistics, how long do you anticipate cross-examination to be?

16 Let's assume Mr. Walker is finished by 1:00.

17 MR. WALKER: I will definitely be done by 1:00, Your
18 Honor.

19 MR. BROWN: I will be done before 2:00, by 2:00.

20 THE COURT: Then let me -- we're going to need some
21 time because you all are going to need to make some --

22 Is this your last witness, Mr. Walker?

23 MR. WALKER: Yes, Your Honor.

24 THE COURT: Okay. You're going to need to make some
25 strategic decisions on your side. What I would suggest that

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1 we do is assuming that we get through this witness by two
2 o'clock, if you are in a position to speak with your client
3 and make whatever strategic decisions you can make, then it
4 might open us up to do some other things.

5 So I'll give you as much time, obviously, as you
6 need to do that.

7 MR. BROWN: We won't need much time, Your Honor.
8 But as soon as he concludes, we'll be able to meet and make a
9 decision.

10 THE COURT: Very good. Thank you very much
11 gentlemen.

12 A couple of little things. I've gone through the
13 instructions. It seems that there are disputes over two
14 instructions. We're not talking instructions now, but I'm
15 just making sure I've got everything.

16 There's dispute over two. One, the use of the alibi
17 instruction, number one. And then number two, the "in
18 relation to." I think the defense wants two words that you
19 don't think apply.

20 MR. WALKER: I think that sounds right, Your Honor.
21 I think on the ID elements, Mr. Brodnax wants two words that
22 we don't want. I think that's basically it. It's not a whole
23 lot.

24 THE COURT: And I just want to make sure, again,
25 because this is the way I work. I have an instruction that

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1 appears to be the same instruction and I want to make sure
2 that I'm not missing something. I've read it a couple of
3 times and I think it's the same thing, but I want to make sure
4 that I'm not missing something here.

5 It's instruction number A and instruction number PP.

6 MR. WALKER: Oh, I think it might have been a sort
7 of autopopulate issue when it was printed to PDF, I think.

8 Are you talking about the elements instruction?

9 THE COURT: Yeah. Essential elements to the offense
10 charged, aggravated identity theft. Instruction letter A and
11 PP look to be the exact same thing.

12 MR. WALKER: I'm not sure how Mr. Brodnax submitted
13 this last version. I'm not sure how he numbered it, but --

14 MR. BRODNAX: The very last one, where we changed
15 the --

16 MR. WALKER: Yes.

17 MR. BRODNAX: The very last one, is that PP?

18 MR. WALKER: Yes.

19 MR. BRODNAX: So that's the same as what you had
20 submitted?

21 MR. WALKER: That's the same, yes.

22 MR. BRODNAX: This is to take the place of what he
23 had submitted?

24 THE COURT: Okay. What I'm going to do is --

25 MR. WALKER: Your Honor, the correct one should not,

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1 for PP, should not have any reference to the word "possess."

2 So if you're looking at one that has reference to
3 the word "possess," that's not the right one.

4 THE COURT: Okay. What I'm going to do is, I'm
5 going to hand them down there to you all and let you take a
6 look at them and tell me where the difference is.

7 Just approach.

8 Why don't you, Mr. Brodnax, take a look at that.

9 MR. WALKER: So there's a third version of this,
10 which Mr. Brodnax filed yesterday, and that is the version
11 that we agree to use. With the exception of the distinction
12 about whether or not we had "each of" in it.

13 THE COURT: We'll find it.

14 MR. BRODNAX: Let me tell you the court document
15 number.

16 THE COURT: We'll find it. It's fine. We'll figure
17 it out. Again, I was just making sure I wasn't missing
18 something.

19 MR. WALKER: Okay.

20 THE COURT: And then two other little things.

21 One, there's instruction lettered M. It depends on
22 if the defendant exercises his right to testify. And
23 instruction lettered N affected the defendant's decision not
24 to testify.

25 So on that, we will give either one or the other,

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1 correct?

2 MR. WALKER: Correct.

3 MR. BRODNAX: Correct, Your Honor.

4 THE COURT: Okay. So I'll set those aside.

5 And then the last one that I had a question about,
6 is the duty of the Court to admonish an attorney. I didn't
7 admonish anybody, and I typically do not. So I don't think we
8 need to do that one.

9 MR. WALKER: I don't have an issue with that, Your
10 Honor, unless you admonish one of us in the next couple of
11 hours.

12 MR. BRODNAX: We will try to be careful, Your Honor.

13 (Counsel confers.)

14 MR. BRODNAX: Your Honor, instruction JJ, which is
15 the essential elements of access device fraud. Element No. 3,
16 I believe should read that the defendant did so to receive
17 payment or any other thing of value aggravating \$1,000 or more
18 during any one-year period.

19 THE COURT: Okay. Do you have that substitute? Do
20 you have that substitute?

21 MR. BRODNAX: Yes. What we submitted to the Court
22 was wrong. We left out the word "year."

23 THE COURT: Marlan, just make sure we get that one.

24 MR. BRODNAX: That's JJ, instruction JJ.

25 MR. WALKER: It's the essential elements of access

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1 device.

2 THE COURT: Okay. All right. Got it.

3 We got a question from the jury.

4 One of the jurors has submitted this observation.

5 It's not really a question.

6 "Overheard two groups within the jury room
7 discussing how Google is always tracking you, such as
8 listening to your phone, microphone, when the phone is not in
9 use.

10 "Other group mentioned something about the
11 relationship between virtual private networks and IP
12 addresses. I did not hear mention of any case specifics, but
13 these were heard in passing within the room."

14 MR. WALKER: Your Honor, if the Court is
15 comfortable, I don't think I've heard anything that suggest --

16 THE COURT: I consider this just general banter.

17 MR. WALKER: If the Court wants to just remind the
18 jury not to discuss the case or anything related to it, I
19 guess that would be sufficient.

20 THE COURT: I'm not going to rat out who sent me.

21 MR. WALKER: Right. That's exactly what Mr. Brodnax
22 and I were discussing about.

23 THE COURT: I won't rat it out. And I think this
24 is an appropriate thing to do. This person is taking their
25 role seriously. That's a good thing.

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1 I'll make this a part of the record. I'm not going
2 to answer it specifically. I'll just bring them back and have
3 a general conversation with them.

4 MR. WALKER: Sounds good, Your Honor.

5 (Jury present.)

6 THE COURT: Let the record reflect the jury has been
7 seated.

8 Thank you, ladies and gentlemen. I want to say
9 something to you because it is important. When we say that
10 we're going to be back at 12:25 or 12:30, we usually take
11 advantage of that time while most of you are taking care of
12 your private or personal needs. The rest of us are in here
13 working. We're working pretty hard and sometimes that work
14 that we do is to your advantage.

15 Let me suggest to you that we're getting near the
16 last parts of the trial. We're working our way through this.
17 And this is critical that you maintain your attention to
18 everything.

19 And also, sort of be careful about the things that
20 you're talking about until the case is submitted to you for
21 your deliberations. I think I said at the beginning of the
22 trial the legitimate things to start talking about in your
23 banter, and it's a natural thing amongst jurors, they become
24 friends. You've seen these people for the last three days.
25 You've gotten to know them. You probably know each by first

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1 name, and that's great. That's the way juries work, and
2 that's the way a collective usually works.

3 But try to be careful about the things that you're
4 talking about when you're just sort of sitting around and
5 shooting the breeze. The Nats will play tomorrow and they
6 will lose again. So it's probably a good idea to talk about
7 that, to reserve your comments.

8 But again, thank you, ladies and gentlemen, for your
9 time and attention.

10 MR. WALKER: May I proceed, Your Honor?

11 THE COURT: You may.

12 BY MR. WALKER:

13 Q. Special Agent Soden, we were about to talk about the
14 credit card that was opened in the name of Clifford
15 Shingleton.

16 Have you reviewed the application completed for that
17 credit card?

18 A. Yes, I have.

19 Q. If we could pull up Government's Exhibit 170.

20 Do you recognize Government's Exhibit 170 as the
21 application for the credit card in the name of Clifford
22 Shingleton?

23 A. Yes.

24 MR. WALKER: If we could go to page 6 of Government
25 Exhibit 170.

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1 Highlight the e-mail address.

2 BY MR. WALKER:

3 Q. What is the e-mail address listed on the Clifford
4 Shingleton application?

5 A. Dok1933@gmail.com [sic].

6 Q. What, if anything, did --

7 MR. BROWN: I'm just going to object. The document
8 speak for itself. I believe that was a misspelling.

9 THE COURT: Why don't you ask the question again,
10 Mr. Walker, and the gentleman can reanswer.

11 BY MR. WALKER:

12 Q. Special Agent, can you just spell all of the letters.

13 A. Yes. It's d-o-k-a-y-1-9-3-3@gmail.com.

14 Q. Did law enforcement obtain records associated with
15 dokay1933@gmail.com?

16 A. Yes.

17 Q. If we could pull up Government's Exhibit 171.

18 Do you recognize this as Google subscriber
19 information for this e-mail address?

20 A. Yes, I do.

21 Q. For the numbers 1933 that occur in the e-mail address, do
22 they also occur in another e-mail address that we've been
23 discussing?

24 A. No.

25 Q. Do they occur -- I want to direct your attention to --

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1 we've previously been discussing the Matthew Brown.

2 A. Oh, yeah. Mbbrown1933. Sorry.

3 Q. No worries.

4 So looking down at the IP address information, do
5 you recognize the IP address that appears most frequently, the
6 1000.15.54.9?

7 A. I do.

8 Q. Is that an IP address that we've looked at in
9 Government's Exhibit 2 as associated with the defendant?

10 A. It is.

11 Q. If we could pull up Government Exhibit 403.

12 Do you recognize this as a summary chart you created
13 for purchases made on the Clifford Shingleton credit card
14 account?

15 A. Yes.

16 Q. Looking at the first vendor listed there, what do you
17 see?

18 A. MacroTele.

19 Q. What is MacroTele?

20 A. That is a business Kwashie Zilevu advised that he owns.

21 Q. Do you also see, about seven lines down, a purchase at
22 Iceland Air?

23 A. I do.

24 Q. On what date was that purchased?

25 A. On December 30th of 2017.

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1 Q. For what amount?

2 A. \$701.92.

3 Q. About two lines down or two lines above that, do you see
4 a purchase for PayPal with H-A-I-Y next to it?

5 A. Yes.

6 Q. What is the amount of that purchase?

7 A. \$1,000.

8 Q. And then two lines below Iceland Air, do you see another
9 PayPal reference with a different moniker behind it?

10 A. Yes.

11 Q. What is the amount of that purchase?

12 A. \$500.

13 Q. Did you find evidence related to these PayPal purchases
14 in the defendant's e-mail account?

15 A. Yes.

16 MR. WALKER: If we could pull up Government's
17 Exhibit 192.

18 Highlight the -- enlarge the header information at
19 the top, please, Ms. Dashoff.

20 BY MR. WALKER:

21 Q. Who received this e-mail, Special Agent Soden?

22 A. Kwashie Zilevu.

23 Q. On what date?

24 A. On February 2, 2018.

25 Q. What is the subject of this e-mail?

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1 A. "You sent a payment."

2 Q. If we could go down to the bottom information.

3 Who is listed as the purported sender of this money?

4 A. Clifford Shingleton.

5 Q. And what e-mail address is listed as associated with

6 Clifford Shingleton?

7 A. Kwashie Zilevu's official IRS e-mail address.

8 Q. What evidence did you find during the investigation to

9 suggest that that e-mail address, kwashie.s.zilevu@irs.gov,

10 was associated with the real Clifford Shingleton in any way?

11 A. None.

12 MR. WALKER: Let's pull back up Government's Exhibit

13 403.

14 If we could enlarge the total amount, the first set

15 of totals.

16 BY MR. WALKER:

17 Q. Special Agent Soden, how many total transactions were

18 engaged in the Clifford Shingleton card?

19 A. 23.

20 Q. And what was the amount that was spent?

21 A. \$9,686.69.

22 Q. Now, below those totals there are other lines that say

23 "total transactions" and "total spent."

24 What are those columns representing in Government

25 Exhibit 403?

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1 A. Total transactions illustrates the total number of
2 transactions amongst all three credit cards combined, and then
3 the total spent is the total amount that was spent when you
4 combine all three credit cards.

5 Q. In other words, are these two columns sums of what is --
6 or captured in Government's Exhibit 401, 402, and 403?

7 A. That is correct.

8 Q. All right. You've testified about some of the things the
9 defendant told you when you were interviewing him. I want to
10 ask about a few more.

11 At the time you interviewed him, what, if anything,
12 did he tell you about how frequently he goes to his parents'
13 house?

14 A. He said he goes to his parents' house pretty often. He
15 often teleworked from their house while working at the IRS.

16 Q. You also testified that he admitted he owned a business
17 called MacroTele.

18 What, if anything, did he tell you about any other
19 businesses that he owned?

20 A. He advised that he owned two other businesses. One by
21 the name of FiveStarVPS, and the other by the name of
22 Thetasis.

23 Q. Could you spell Thetasis.

24 A. T-h-e-t-a-s-i-s.

25 Q. What, if anything, did he tell you that those businesses

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1 did?

2 A. He advised that they allowed for or they were tailored to
3 storing and analyzing of data on a virtual private server and
4 also the hosting of websites on a virtual private server.

5 Q. You also testified earlier that the defendant
6 acknowledged receiving and using a credit card in the name of
7 Matthew Brown.

8 What, if anything, did he admit about receiving the
9 Larry Fudger credit card?

10 A. He stated that he did receive the Larry Fudger credit
11 card, and that he took it out of the envelope that he received
12 it in and it was mailed to his address. He opened the
13 envelope and took it out.

14 Q. What, if anything, did he admit about using the Larry
15 Fudger credit card?

16 A. He stated that he did use the card to make purchases.

17 Q. What, if anything, did he admit about receiving the
18 Clifford Shingleton credit card?

19 A. He stated that he did receive the Clifford Shingleton
20 credit card and, again, took it out of an envelope that he
21 received in the mail.

22 Q. What, if anything, did he admit about using the Clifford
23 Shingleton credit card?

24 A. He stated that he did use the Clifford Shingleton credit
25 card.

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1 Q. Now, what, if any, explanation did he give you about
2 knowing who Clifford Shingleton was?

3 A. He stated that he had met Clifford Shingleton at his
4 friend Kwaku Blay's wedding in Chantilly, Virginia.

5 Q. How did he describe what Clifford Shingleton looked like?

6 A. He stated that he was approximately -- a black male and
7 approximately in his 40s.

8 Q. Have you seen Clifford Shingleton before?

9 A. I have.

10 Q. Is that description true?

11 A. No.

12 Q. What, if any, evidence did you ask him about regarding
13 why he started using the cards in the names of Clifford
14 Shingleton and Larry Fudger?

15 A. He claimed that he could not remember why he started
16 using the cards that he received in their names.

17 Q. What, if anything, did he tell you about taking
18 responsibility for what he did?

19 A. He stated that he takes full responsibility for using all
20 three credit cards and making purchases with them.

21 Q. Well, despite saying that he took full responsibility,
22 what, if anything, did he tell you about applying for the
23 credit cards?

24 A. He advised that he did not apply for any of the credit
25 cards.

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1 Q. Well, at the time that you interviewed the defendant, had
2 you seized any electronic evidence from his home?

3 A. No.

4 Q. To the best of your knowledge, was the defendant aware of
5 that fact when he claimed he did not submit the applications?

6 A. Yes.

7 Q. After the interview, did you share with the defendant
8 what you had documented during the course of your interview?

9 A. Yes.

10 Q. Did he object to the information that you wrote down in
11 any way?

12 A. No.

13 MR. WALKER: Nothing further, Your Honor.

14 THE COURT: Thank you, sir.

15 Cross-examination.

16 MR. BROWN: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. BROWN:

19 Q. Mr. Soden, how are you this afternoon?

20 A. Doing well. How about you?

21 Q. Good.

22 I don't want to hold you up too long.

23 Your interview with Mr. Zilevu took place in
24 September of 2019?

25 A. Correct.

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1 Q. At that point, Mr. Blay had already been interviewed by
2 authorities out of Maryland.

3 Were you aware of that at that time?

4 A. I don't believe I was aware at that time.

5 Q. Okay. When did you become aware of that?

6 A. It would have been after we arrested Kwashie. It was
7 after that that we looked at it and saw that Blay had been
8 arrested previously and that an interview had been conducted.

9 Q. Did you learn at that time that the police had
10 interviewed Mr. Blay in February of 2019, and had discovered
11 all of this, as the officer put it on the video, "all of this
12 fraud with Matthew Brown on Mr. Blay's phone"?

13 A. That's when we -- yeah, we discovered that interview and
14 the information included in it.

15 Q. What was found on Mr. Blay's phone?

16 What was all the fraud the officer was referring to?

17 A. I can't say. I never saw his phone. I just can go off
18 of that video and what was mentioned in the video.

19 Q. So when you learned that that, in fact, was the case and
20 that the law enforcement out there in Maryland had done a
21 search warrant on Mr. Blay's phone and discovered all of this
22 fraudulent in Matthew Brown, you didn't make any efforts to
23 try to review that evidence, did you?

24 A. No, I did not.

25 Q. When we talk about these IP addresses, you've heard the

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1 testimony about the use of TeamViewer, correct?

2 A. Correct.

3 Q. And you heard Mr. Blay say he used TeamViewer. He claims
4 he would use it with Mr. Zilevu.

5 You heard that?

6 A. I did.

7 Q. And, in fact, TeamViewer, when you use that and access
8 someone else's system and access the internet, isn't it true
9 that it will reflect your IP as the system you are going
10 through, not your own?

11 A. From what I've been told, that apparently is the case.

12 Q. The information you referred to that the government
13 seized from Mr. Zilevu's house, I just want to confirm some
14 representations I made to the jury to make sure I wasn't
15 trying to exaggerate.

16 It was, in fact, 57 terabytes of information,
17 correct?

18 A. I believe the total amount of everything that was imaged
19 was 57 terabytes.

20 Q. How much is 57 terabytes?

21 A. That's a lot. I mean, most computers now are probably
22 what 10 gigabytes. That's a fair amount. I think 1,000
23 gigabytes equal 1 terabyte. It might be greater than that.

24 Q. And pursuant to that investigation and the rules, et
25 cetera, my office was provided with about eight DVDs and a

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1 2-terabyte external drive.

2 Does that sound about accurate?

3 A. I believe that's accurate.

4 Q. And we were provided with some information, some
5 documentation which reflected the results of the forensic
6 review of the items seized from my client's home, correct?

7 A. Correct.

8 Q. And two of those items were -- one was -- two of those
9 items were a MacBook Pro; am I right?

10 A. Correct.

11 Q. And isn't it true that one of those MacBooks was not
12 accessible for some reason by the forensic investigator?

13 A. One of the MacBooks was not accessible because it had --
14 there was an encryption software on it that our forensic lab
15 was unable to break into.

16 Q. The other MacBook, you were able to access the data on
17 that, correct?

18 A. Correct.

19 Q. And that is the MacBook I addressed when we discussed --
20 you may agree or not -- I discussed a MacBook with Mr. Blay.

21 Do you recall?

22 A. I recall.

23 Q. I discussed a number of items on what would have been his
24 MacBook, and he seemed to acknowledge some of those items,
25 including a fake ID of himself with the name Darnel Navel.

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1 Do you recall?

2 A. I recall.

3 Q. And those, of course, would have been found on the
4 MacBook that your forensic investigator could access, not the
5 one he could not access because we wouldn't know what was on
6 it, right?

7 A. Correct.

8 Q. Therefore, we know that the things that were found on a
9 MacBook were all found on, presumably, the MacBook that
10 Mr. Blay says was his MacBook?

11 A. Well, not all of the evidence was found on that MacBook.

12 Q. Well, I'm sorry.

13 All the evidence was found on a MacBook. We don't
14 have to be concerned on which MacBook it's from. Let me say
15 that.

16 A. I'm just saying there was more than just the evidence
17 that was pulled off the laptop that you're eluding to was
18 Blay's. There was more evidence of identity theft on other
19 storage devices.

20 Q. Okay. There was a lot more?

21 A. Yes.

22 Q. But when it comes down to which MacBook something came
23 from, when it says it's from a MacBook, we know which MacBook
24 it was; am I right?

25 A. It was identified. I believe the registry identified it

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1 as K. Boateng or something along those lines, which is maybe a
2 name that he goes by at --

3 Is that a nickname for him?

4 Q. For whom?

5 A. For Kwaku Blay.

6 Q. Yes.

7 And, in fact, isn't that his middle name?

8 A. I believe, yeah. Boateng, I believe.

9 Q. Just so things are clear, when something came from a
10 MacBook, we know it's from the Boa-whatever, Blay's MacBook?

11 A. That was seized from Zilevu's home.

12 Q. Thank you. Yes, yes. But, yes.

13 So the answer is "yes"?

14 A. Yes.

15 Q. Thank you.

16 Do you recall that there were -- that Mr. Blay had a
17 copy of his own ID on that MacBook?

18 A. I saw his -- I guess his head was used on multiple
19 identities, from the information I was looking at.

20 Q. Tell the ladies and gentlemen how many multiple
21 identities you saw Mr. Blay's head on.

22 A. I couldn't tell you specifically. I would say over five.

23 Q. Did you see -- did he have, in fact, his wife's identity
24 on his MacBook?

25 Did you see that?

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1 A. I can't say 100 percent. It sounds familiar, but I can't
2 tell you 100 percent.

3 Q. Did he have Mr. Zilevu's ID on his MacBook?

4 A. Not that I recall.

5 Q. You don't recall seeing that?

6 A. No.

7 Q. Was there an individual that you -- was he able to
8 identify if there was an uncle of his?

9 Did you have any discussion with him about that,
10 about some IDs on his MacBook?

11 A. With Kwaku Blay?

12 Q. Yes.

13 A. I don't believe that we -- that's a possibility. I can't
14 recall if we did confirm that that was his uncle or not.

15 Q. And so that there's no misunderstanding, so that we're
16 clear, there were, in fact, putting aside people that Mr. Blay
17 knew, there were dozens of pictures of people's IDs and credit
18 cards of people's various names?

19 MR. WALKER: Your Honor, may we approach.

20 THE COURT: Yes.

21 (Bench Conference.)

22 MR. WALKER: Your Honor, I was understanding
23 cross-examination, which is part of the reason why we haven't
24 objected before to this point. But at this point, it appears
25 that Mr. Brown is attempting to backdoor in the information

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1 that the Court kept out.

2 When he was cross-examining Mr. Blay, with respect
3 to credit cards and identity, it is the stack of papers that
4 were provided to the Court earlier. And so, given that the
5 Court has already ruled that extrinsic evidence is improper
6 and thus improper to be delving into it with Special Agent
7 Soden in an effort to backdoor it in, especially given the
8 fact we didn't discuss any of that information during the
9 course of his direct examination.

10 MR. BROWN: I appreciate the anticipatory objection.
11 The evidence that the testimony already elicited from Mr. Blay
12 and allowed by the Court, the documents were not. And I'm not
13 going to attempt to move the documents in, but I, in fact,
14 when I asked about the Blay numbers -- of people and the
15 credit cards on his laptop, and he said "Yes."

16 I listened to the same testimony to corroborate the
17 investigator. I haven't gone yet to the next step. If the
18 government wishes to object to, I haven't gone there and I
19 have not intended to.

20 THE COURT: Okay. My view is this, and I think that
21 your cross-examination, up to this point, is appropriate,
22 because it does suggest your theory of the case that this is
23 really Blay that's doing all of these things, as opposed to
24 your client.

25 However, I think you're probably at the edge of the

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1 cliff as far as that is concerned. So what I'm going to do is
2 I'm going to let you sum up the last little point that you
3 want to make, and then I'll look forward to moving to another
4 area of examination.

5 MR. BROWN: Thank you, Your Honor.

6 MR. WALKER: And, Your Honor, while we're here.
7 Again, I'm not anticipatory of his question, but I don't know
8 if Mr. Brown intends to get into any other statements that
9 Mr. Zilevu may have made to law enforcement, and if he is, I
10 thought it would be efficient by asking about that right now
11 and dealing with that at sidebar before we come back.

12 And so, I don't know if you want, when he brings it
13 up, to come back, so.

14 THE COURT: Well, I think, because we've already
15 gotten into the things that Mr. Zilevu said that may be
16 incriminating, that he is entitled to some degree of
17 rehabilitation if Mr. Zilevu said things that are not
18 incriminating or less incriminating. We'll see where he goes
19 with that.

20 MR. WALKER: Your Honor, the only point I'm
21 making is -- I totally understand the Court's perspective on
22 that. The only point I'm making is that we entering
23 (indiscernible) it's specific to pertinent points. And so the
24 reason that we are able to elicit the hearsay from Special
25 Agent Soden is because Mr. Zilevu was a participant. That

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1 rule doesn't go both ways.

2 THE COURT: Yeah, sure. There's certain
3 Constitutional implications that Mr. Zilevu enjoys that in the
4 context of this particular litigation, Mr. Blay does not
5 enjoy. So, yeah, I think we're on the same page.

6 (Open court.)

7 MR. WALKER: Thank you, Your Honor.

8 BY MR. WALKER:

9 Q. Mr. Soden, let's talk about your interview with
10 Mr. Zilevu.

11 That interview, it was not recorded by video or
12 audio in any manner?

13 A. It was recorded via notes. We write down notes whenever
14 we conduct interviews.

15 Q. I appreciate you wanting me --

16 A. But, no, it was not recorded via video or audio.

17 Q. There is no law against that, is there?

18 A. There's no law against recording an interview with
19 video/audio?

20 Q. That's correct.

21 A. No, it's just --

22 Q. I'm not asking -- there is no law against it, is there?

23 A. Not that I'm aware of.

24 Q. And when you take notes during these interviews, you're
25 talking them contemporaneously as you were interviewing him;

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1 am I right?

2 A. I have a secondary interviewee with me. U.S. Postal
3 Inspector Jackie Palmer was there. I was the primary
4 interviewer. I was taking notes, but he was taking notes, as
5 well, next to me since I was asking most of the questions.

6 Q. If that were true, I would have received two sets of
7 notes about the interview; is that right?

8 A. And you did, I believe.

9 Q. Okay. I don't believe I did.

10 But anyway, at the end of the notes, you recall -- I
11 can pull them out -- but it says at the very end he admits to
12 using all three cards.

13 Do you recall that?

14 A. Correct.

15 Q. So you went through the Matthew Brown card for about how
16 long?

17 A. It's been almost two years. But if I were -- I would say
18 probably 15, 20 minutes.

19 Q. And for how long did you go over the Larry Fudger cards?

20 A. I couldn't -- honestly, I can't tell you accurately. I
21 mean, the whole interview entirely was maybe an hour. So,
22 yeah, I couldn't tell you specifically minutes-wise how long I
23 went over each victim.

24 Q. Okay. So if I were to ask you, again, my third question,
25 which is for the record, I'll do, for how long did you go over

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1 the Clifford Shingleton card, your answer would be the same?

2 A. Yeah, I couldn't tell you specifically how long we
3 focused on each victim.

4 Q. And as you're asking the questions about these three
5 cards, you are contemporaneously, as is your co-interviewer,
6 taking notes on the answers; am I right?

7 A. That's correct.

8 Q. And it appears, for whatever reason, at the very end of
9 the interview, the question must have been, "And by the way,
10 did you mean to use all of these cards," and he said "Yes"?

11 A. At some point during the course of the interview, yes.

12 Q. And would the point in which it appears in the notes
13 reflect when in the interview the question was presented?

14 A. Not entirely. We do a recap at the end of the interview
15 and make sure that we got everything clear.

16 Q. Okay.

17 A. And then we will nail down the facts. And if something
18 is stated, then we'll record it there.

19 Q. So when you say, "We want to get everything clear," are
20 you suggesting to the jury that during the course of the
21 interview, in the 15 minutes you spent discussing Matt Brown
22 and the unknown amount of time you spent discussing Clifford
23 Shingleton, and the unknown amount of time you spent
24 discussing Larry Fudger, did my client admit to using the
25 cards, but that didn't make its way into the notes until you

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1 did a recap at the interview?

2 A. I'm not telling you that's what happened. No. If it's
3 in the notes, I can't tell you specifically at what point
4 during the interview that that came out.

5 Q. But what I'm trying to establish is, is you take the
6 notes contemporaneously as the interview is proceeding; am I
7 right?

8 A. That's correct.

9 Q. Meaning, if in the note it reflects that it's at the very
10 end of the notes, that suggests that the question came at the
11 end of the interview; am I right?

12 A. That would suggest that.

13 Q. Thank you.

14 You were asked about Exhibit 143, and that was the
15 Citibank checking account application, correct?

16 A. Correct.

17 Q. And a couple of things about that one.

18 You know, even Mr. Blay himself says, "I did all my
19 checking account fraud with my soccer friends, and then all my
20 credit card fraud with Mr. Zilevu."

21 Do you recall that?

22 A. I recall that.

23 Q. And this is, in fact, a Citibank checking account
24 application, this Exhibit 143?

25 A. Correct.

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1 Q. And when you were asked by the government, you may
2 remember I stood up a little briefly there, as to, you know,
3 "Whose MacBook was this found on?"

4 And your answer was, "Kwashie's MacBook."

5 Why did you say that?

6 A. Can you repeat that.

7 Q. The question was: "Whose MacBook was this document found
8 on?"

9 And your answer was, "Mr. Zilevu's MacBook."

10 Why did you say that?

11 A. If I said that, then I misspoke because that information
12 was taken from an external hard drive from his home, from
13 Kwashie Zilevu's residence.

14 I don't believe I said "Kwashie Zilevu's MacBook" is
15 where that originated.

16 Q. Well, it doesn't say "MacBook" in the path at the top of
17 the document that you're looking at?

18 A. It does, but this is a backup. So there was an original
19 MacBook and this data was backed up to an external hard drive,
20 and that's why it contains the registry with Kwashie Zilevu's
21 MacBook.

22 Q. It was backed up from a MacBook Pro and found on a hard
23 drive.

24 Is that what you're saying?

25 A. External hard drive, yes, sir.

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1 Q. Okay. Okay. You don't have any information as to whose
2 external hard drive that was, other than it was found --

3 A. It was seized at Mr. Zilevu's. That's all I have.

4 Q. The e-mail, dokay -- d-o-k-a-y -- 1933, did you speak to
5 Mr. Blay about this e-mail address given his name?

6 A. I don't believe I did, no.

7 You said the D-O --

8 Q. Dokay1933.

9 A. Correct.

10 Q. You didn't speak to -- what is Mr. Blay's full name?

11 A. I believe it's Kwaku Boateng Blay.

12 Q. And did you ever discuss with him if he went by the
13 nickname K. Odakay (ph)?

14 A. No.

15 Q. No.

16 What is required to open an e-mail address?

17 What type of verification or proof of identity is
18 required to open up --

19 A. Typically --

20 Q. I'm going to withdraw that question, Your Honor. I'm
21 sorry.

22 I want to ask this: The government, you serve a
23 subpoena on Google, on Yahoo, on, I take it, you know, Venmo,
24 PayPal, the hotels, the airlines, et cetera?

25 A. Most of it, yes.

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1 Q. And you received, let's just -- lots and lots of data
2 back; am I right?

3 A. Correct.

4 Q. There would have been perhaps thousands of e-mails, if
5 I'm not mistaken?

6 A. In the kzilevu@gmail.com, yes, there were thousands of
7 e-mails.

8 Q. And if I'm not mistaken, the 2-terabyte drive I received
9 is essentially all of the 2-terabytes of e-mails that were
10 received from Google and Yahoo?

11 A. I believe so.

12 Q. Okay. And there were search terms used by the forensic
13 investigator, right?

14 A. Correct.

15 Q. Things like "Zilevu," or "Boateng," or "Blay"?

16 A. Or "victim."

17 Q. Or "Singleton," or "Fudger," and "Brown," et cetera?

18 A. Exactly.

19 Q. And there's a list of maybe 40 or 30 search terms, a lot
20 of search terms, right?

21 A. Correct.

22 Q. Do you have the two exhibit books in front of you?

23 A. I've got exhibit book 202.

24 Q. 202.

25 Let me just say this. I can deal with the other

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1 part later.

2 You heard Mr. Blay say that he communicated
3 regularly with Mr. Zilevu; am I right?

4 A. That's correct.

5 Q. So I take it that -- well, I don't know if you looked at
6 those thousands of e-mails or not?

7 A. I did.

8 Q. The search terms were conducted and you reviewed the
9 results of those investigations, that search?

10 A. Correct -- no.

11 Can I explain a little bit to you.

12 Q. Well, just -- you know what the results of the search
13 warrant as far as things coming up as positive results?

14 A. I'd just like to explain to clarify for you kind of what
15 the process was.

16 Q. Sure.

17 A. So the search of the all the electronics we received and
18 the computers that were taken from Mr. Zilevu's residence,
19 that goes over to our digital forensics lab. And they'll
20 ask -- because of the voluminous nature of everything we
21 seized, and as you alluded to, 57 terabytes is a lot, they
22 asked for certain keywords.

23 So we'll send over stuff as we think of it. And
24 what you see in that index is what was searched.

25 Q. Thank you. I appreciate that.

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1 Did you -- during your interview of Mr. Blay, did
2 you ask him if he had introduced Mr. Zilevu to Clifford
3 Shingleton?

4 A. No.

5 Q. Why not?

6 A. He didn't know Clifford Shingleton. He stated he never
7 met anyone named Clifford Shingleton.

8 Q. So you believed him?

9 A. Yes.

10 Q. And there's been -- one point, I don't want there to be
11 any confusion.

12 One of the -- when you referred to this company that
13 Mr. Zilevu had, MacroTele. And we want to say MacroTele or
14 MacroTele, I'm not sure.

15 It gets spelled differently on certain occasions.

16 Did you notice that?

17 A. I did notice that.

18 Q. It's MarcroTele or MacroTele.

19 What is the explanation for that?

20 A. I believe that's just a simple typo.

21 Q. So I mean, is it a typo if it's on a credit card invoice,
22 if that's the company paid?

23 In other words, MarcroTele would be a different
24 company than MacroTele, correct?

25 A. Well, when you submit your payment, I believe it's up to

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1 the user in PayPal to enter that information correctly when
2 I'm paying somebody. That's where you type in the entity that
3 you're paying.

4 Q. Okay. So that would mean -- that would suggest that the
5 person whose doing the paying is putting in the name, and
6 whether they put in MacroTele or MarcroTele, they are the ones
7 determining to whom that money is going to go, but the
8 eventual person who gets it, you think maybe it was just a
9 typo?

10 A. Correct. That's my assumption. I could be wrong.

11 (Counsel confers.)

12 MR. BROWN: No further questions, Mr. Soden. Thank
13 you very much.

14 THE COURT: Any redirect?

15 MR. WALKER: Court's indulgence, Your Honor.

16 THE COURT: Yes.

17 MR. WALKER: Your Honor, we have no further
18 questions.

19 (Witness excused.) (Conclusion of Flannan Soden's testimony.)

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CERTIFICATE OF REPORTER

I, Tonia Harris, an Official Court Reporter for the Eastern District of Virginia, do hereby certify that I reported by machine shorthand, in my official capacity, the proceedings had and testimony adduced upon the Jury Trial - Excerpt in the case of the **UNITED STATES OF AMERICA versus KHASHIE SENAM ZILEVU**, Criminal Action No.: 1:19-cr-356, in said court on the 14th day of July, 2021.

I further certify that the foregoing 103 pages constitute the official transcript of said proceedings, as taken from my machine shorthand notes, my computer realtime display, together with the backup tape recording of said proceedings to the best of my ability.

In witness whereof, I have hereto subscribed my name, this October 15, 2021.



Tonia M. Harris, RPR
Official Court Reporter